

FC... FILING ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 2 - 1968

Office of Administrative Procedure

ENDORSEDAPPROVED FOR FILING
(GOV. CODE 11380.2)

APR 2 - 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: March 28, 1968

By: John C. McLaughlin

Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California

APR 3 - 1968

APR 3 11:05 a'clock a.m.

FRANK M. JORDAN, Secretary of State

By: John P. Sullivan
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, The Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

(1) Repeals Dept. Bulletin 645 (GEN) (REVISED) NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS - TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

(2) Adopts recodified Sections as follows:

DIVISION 21 CIVIL RIGHTS

CHAPTER 21-000 NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS -
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

21-001 PURPOSE

21-001

The primary aim of the nondiscrimination requirements is to develop a preventive approach at both the state and county levels. Thus, the goal is to avoid any policies or practices which contain any discriminatory characteristics as far as the treatment of persons receiving assistance or services is concerned. In furtherance of the preventive approach, staff in both the SDSW and in county welfare departments should develop an increased awareness of the problem and its implications. In addition, it is important that applicants, recipients and other interested persons or organizations be aware of the emphasis placed on prevention.

21-003 IN-SERVICE TRAINING

21-003

Nondiscrimination requirements must be incorporated into the content of existing training programs in the SDSW and county welfare departments. Each social worker must, therefore, participate in an induction or orientation training session in which these requirements are discussed.

The annual continuing training plans and the induction training plans submitted to SDSW by local public welfare agencies must indicate what provisions are made for training existing staff and new employees in the nondiscrimination requirements.

Effective 10/1/65
Recodified 4/1/68

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CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

21-005 SCOPE OF CHAPTER

21-005

The nondiscrimination requirements apply to policies and practices within the SDSW and county welfare departments which are in any way related to federally assisted welfare programs. This includes both public assistance and child welfare services.

The requirements also apply to agencies, institutions, and organizations, and medical care vendors or practitioners that participate in any way in federally aided welfare programs by providing aid, care or services. These have been identified as including the following:

- .1 Boarding homes and institutions licensed by SDSW and county welfare departments for the care of seven or more persons. (See Title 22, California Administrative Code, Sections 42233, 32203, 40323, and 40511.)
- .2 Day nurseries, child placing agencies (temporary and adoptions), maternity homes, and adoption agencies. (See Title 22, California Administrative Code, Sections 34143, 38133, and 30213.)
- .3 Nursing homes and hospitals licensed by the State Department of Public Health.
- .4 Institutions licensed by the State Department of Mental Hygiene for the care of the mentally ill.
- .5 Providers of medical care and services under the provisions of California Administrative Code Title 22, Division 3.
- .6 Community Work and Training Projects under Section 409 of the Social Security Act, experimental pilot or demonstration projects under Section 1115 of the Social Security Act and Work Experience (Title V) and Community Action (Title II) programs under the Economic Opportunity Act.
- .7 All other state and local agencies that receive federal funds and participate in welfare programs.

21-007 DISCRIMINATION DEFINED

21-007

For the purpose of this chapter, discrimination is defined as any policy or practice which results in unequal treatment, based on race, color, religion, or national origin, of any person or group of persons applying for or receiving assistance or services under federally aided welfare programs. It may pertain to any individual factor, related to aid, care, benefits or services or to any combination of these factors. The specific acts which constitute discrimination when based on race, color, religion, or national origin are:

- .1 Denial to the individual of any aid, care, services or other benefits provided under the program.
- .2 Provision for aid, care, services or other benefits to an individual which is different or is provided in a different manner from that provided to others under the program.
- .3 Segregation or separate treatment in any manner related to receipt of any aid, care, services, or other benefits provided under the program.
- .4 Restriction of the individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, care, services or other benefits provided under the program.

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21-007 DISCRIMINATION DEFINED (Continued)

21-007

- .5 Treatment of the individual differently from others in determining whether he satisfies any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care, services or other benefits provided under the program.
- .6 Denial to the individual of an opportunity to participate in the program through the provision of services or otherwise affording him an opportunity to do so which is different from that afforded others under the program.

21-009 ADMINISTRATIVE RESPONSIBILITIES

21-009

While other agencies and organizations must also comply with nondiscrimination requirements, county welfare departments and the SDSW must retain responsibility for determining that discrimination does not occur when welfare benefits or services are provided.

Responsibility for the implementation of the nondiscrimination requirements must, therefore, be centralized within each county welfare department. However, a transfer of specified functions may occur under the following circumstances:

- a. When a complaint is made against an SDSW licensed facility or a state agency. (See Section 21-015, Responsibility for Investigation.)
- b. When subject to SDSW approval, responsibility for investigation of complaints (Section 21-015) and for some of the activities needed to assure compliance by other groups (Section 21-011) is transferred from the county welfare department to another public agency in the county with an established function in regard to civil rights.

All complaint investigations, when undertaken by a civil rights agency, must be completed within the time period specified in Section 21-015.4. The civil rights agency may, as a result of the investigation, work out a plan for corrective action. (See Section 21-019.) However, the county welfare department retains responsibility for determining that the appropriate corrective action has been completed.

21-011 ASSURANCE OF COMPLIANCE BY OTHER AGENCIES, INSTITUTIONS OR ORGANIZATIONS PARTICIPATING IN FEDERALLY AIDED PROGRAMS 21-011

Section 20-005 lists the groups included within the scope of the nondiscrimination requirements in welfare programs. Appropriate methods must also be established for assuring that in fact discriminatory practices do not exist in federally aided programs. Methods established as appropriate under this chapter are:

.1 Methods by SDSW and County Welfare Departments

As a part of all regular staff activities, assessment shall be made by SDSW and county welfare departments of the extent to which groups listed under Section 21-005.1 through .6 do, in actual practice, accept all persons regardless of race, color, religion, or national origin. The methods used include but are not limited to:

- .11 Observation and inquiry by social workers and other appropriate staff in visits to out-of-home care facilities.
- .12 Discussion and observation by licensing representatives in any visits related to the licensing function.
- .13 Evaluation of information obtained in recruitment, homefinding and placement activities.
- .14 Evaluation of information derived from listings of out-of-home care facilities or central registries.

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21-011 (Cont.)	CIVIL RIGHTS	Regulations
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21-011 ASSURANCE OF COMPLIANCE BY OTHER AGENCIES, INSTITUTIONS OR ORGANIZATIONS PARTICIPATING IN FEDERALLY AIDED PROGRAMS (Continued)		21-011
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.2 Plan of Corrective Action

If through such assessment, a practice is observed which may be discriminatory the county department shall review the situation further and, if necessary, establish a plan for corrective action.

.3 Referral to State Department of Social Welfare Regional Office

Any situation which cannot be resolved by the county welfare department within a reasonable period through negotiation, is to be referred to the SDSW regional office.

.4 Referral to the State Department of Public Health

Instances of noncompliance of certified facilities shall be reported to the State Department of Public Health.

.5 Referral to the Office of Health Care Services

Instances of noncompliance by providers of medical care and services shall be reported to the Office of Health Care Services.

.6 Periodic Studies by the State Department of Social Welfare

Periodic studies to determine whether there have been changes in the ethnic composition of groups served by the agencies listed under Sections 21-005.1 and .2 shall be made by the SDSW.

.7 State Department of Social Welfare Project Review

The SDSW will, in approving or renewing projects listed under Section 21-005.6 ascertain whether all practices reflect equal treatment of each individual, or group of individuals, in regard to race, religion, color, or national origin.

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CALIFORNIA-SDSW-MANUAL-0

Issue 221

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CONTINUATION SHEET
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21-013 DISSEMINATION OF INFORMATION TO APPLICANTS, RECIPIENTS AND OTHER INTERESTED PERSONS OR ORGANIZATIONS	21-013
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The following means of notification are to be utilized:

.1 Poster

A poster on nondiscrimination supplied by the SDSW is to be posted prominently in all waiting rooms in county welfare departments.

.2 Pamphlet

A pamphlet supplied by the SDSW titled "Your Civil Rights Under California Welfare Programs" shall be given to:

- .21 Each applicant for assistance or services.
- .22 Each recipient during reinvestigation of eligibility and in other appropriate circumstances.
- .23 Any other person or organization in the community when the need is evident, or upon request of the person or organization.

When indicated the nondiscrimination requirements are also to be discussed with the applicant, recipient or other interested person.

21-015 COMPLAINT PROCEDURES	21-015
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An individual or his representative may file a complaint about discrimination directly with the Federal Government or with the state or local agency involved. The state agency must establish a complaint procedure which encourages an investigation and settlement of all complaints at the local level.

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**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

21-017

CIVIL RIGHTS

Regulations

21-017 RESPONSIBILITY FOR COMPLAINT INVESTIGATION - COUNTY
 WELFARE DEPARTMENT

21-017

County welfare departments are responsible for the investigation of complaints about discrimination made by an applicant or recipient of aid or services, by an authorized representative of an applicant or recipient, or by any other person who believes that discrimination has occurred, as defined in Section 21-009. Such a complaint may be directed against any of the groups listed under Section 21-007. However, complaints against facilities licensed by the SDSW or against state agencies may be referred to the SDSW or the appropriate state agency for completion of the investigation and corrective action after an interview with the complainant, as required in .1 of this section.

Responsibility for the handling of discrimination complaints is to be centralized within each county welfare department. A social worker or a unit of social workers within the county department should be assigned the task of conducting all of the actual investigations. When appropriate, other persons whose education and experience qualifies them, may be given the investigative responsibility. In no instance, however, may an employee investigate any discrimination complaint directed against him or against action taken by him as the representative of the county department.

When a complaint about discrimination is received, the following procedural steps apply:

.1 Interview with Complainant

The persons assigned by the county welfare department to the investigation will interview the complainant to determine:

- .11 The reason for the belief that discrimination occurred.
- .12 The specific action which the complainant believes was discriminatory.
- .13 The dates these discriminatory actions are said to have occurred.

If during the interview, the person assigned to the investigation has reason to believe that no discrimination occurred, the basis for the action taken that resulted in the complaint is to be discussed with the complainant. If the complainant then agrees that the action taken was not motivated by discrimination, the complaint may be voluntarily withdrawn.

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Regulations

CIVIL RIGHTS

21-017 (Cont.)

21-017 RESPONSIBILITY FOR COMPLAINT INVESTIGATION - COUNTY
 WELFARE DEPARTMENT (Continued)

21-017

.2 Investigation of Complaints Against the County Welfare Department

If the complaint is directed against the county welfare department or one of its representatives, the worker assigned to the investigation must take all appropriate steps to determine whether there is any justification for the complaint. The treatment complained about must be compared with treatment afforded all other persons in similar circumstances. In applying this comparability test, the steps taken by the investigating worker are to include, but not necessarily be limited to the following:

1. Review of the complainant's case record and, to the extent possible, of a sampling of other records of persons in similar circumstances.
2. Review of the SDSW and county policy which is pertinent to the action taken by the county welfare department resulting in the complaint.
3. Discussion with the social worker involved in the decision which the complainant believes to be discriminatory for the purpose of reviewing the basis for the worker's decision.
4. Discussion with a staff person in the county department who can review from an administrative point of view the county's position in regard to the situation complained about and the related policy issue.

.3 Investigation of Complaints Against Other Groups

If the complaint is directed against one of the groups listed under Section 21-007, a comparability test as described under .2 above must also be applied to determine whether any discriminatory practice occurred. The methods followed by the investigating worker are to include, but not be limited to:

1. Review of the case record or other pertinent information, and to the extent possible, of records of other persons in similar circumstances.
2. Discussion with the person responsible for the decision resulting in the complaint.
3. Discussion with a staff person in the agency or organization whose overall administrative responsibility enables him to interpret the general policy followed in relation to the specific practice complained about.

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Issue 224

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21-017 (Cont.)	CIVIL RIGHTS	Regulations
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21-017 RESPONSIBILITY FOR COMPLAINT INVESTIGATION - COUNTY WELFARE DEPARTMENT (Continued)	21-017
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.4 Report of Investigation

A written report must be completed by the county welfare department within 30 days after the date the complaint is filed. The report must include the following:

1. Information obtained from the complainant in accordance with .1 of this section.
2. A description of the investigation.
3. Information on any corrective action taken, when determined to be necessary.

21-019 CORRECTIVE ACTION	21-019
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.1 Corrective Action Includes

- .11 Provision, wherever possible, for benefits, care or services to the individual which he was otherwise deprived of because of a discriminatory practice.
- .12 A plan for assuring that discriminatory practices of a similar nature will not recur in the future.

Corrective action required is to be completed within a period of 30 days following completion of the report. When it is determined that one of the groups listed under Section 21-007 must take corrective action, the county department must indicate that further participation in federally aided welfare programs is dependent upon such action being taken. When the county department finds that there is a lack of willingness to take corrective action on the part of any group listed under 21-007, a resume of the situation is to be sent to the SDSW regional office.

.2 Refusal to Take Corrective Action

Upon receipt of a resume indicating that one of the groups listed under Section 21-007 has refused to take corrective action, the SDSW will initiate procedures required as a result of the violation. These procedures include but are not limited to:

- .21 Action to suspend vendors or practitioners from further program participation.
- .22 Revocation action under the Administrative Procedure Act (Govt. Code Section 11500, et. seq.) against facilities licensed by SDSW or county welfare departments.
- .23 Referral to other state or local agencies when their jurisdiction and/or licensing requirements are involved.

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(Pursuant to Government Code Section 11380.1)

Regulations CIVIL RIGHTS 21-029

21-021 NOTIFICATION TO COMPLAINANT FINDINGS 21-021

The complainant is to be informed in an interview and in writing of the outcome of the investigation and the basis for whatever finding is made. He must also be informed of his right to a review of the investigation through the nearest SDSW office if he is dissatisfied with the finding.

21-023 REVIEW OF INVESTIGATION BY SDSW 21-023

If the complainant requests a review of the county department's findings, the SDSW regional office will conduct a joint or individual discussion with the complainant and a county representative and an extended investigation, if needed. The county must, in advance of the informal hearing, submit the full report, required under .4 of this section, to the nearest office of the SDSW.

Following the discussion and any other investigation, the SDSW will notify the complainant of the outcome and submit a report to the county department which confirms the original finding or points out the need for corrective action. If corrective action is indicated, the SDSW will work with the county department or any other organization or person involved in regard to the conditions of such action.

21-025 COMPLAINTS RELATED TO FAIR HEARING ISSUES 21-025

When an applicant or recipient requests a fair hearing on other issues, and he has also filed a complaint about discrimination as a related question, the SDSW area office will proceed without delay with review of the discrimination complaint. If the applicant or recipient is not satisfied with the findings of the SDSW on the discrimination complaint, and raises this issue at the time of the fair hearing, the referee will make a finding on all of the issues, including the discrimination complaint.

21-027 COMPLAINTS NOT RELATED TO FAIR HEARING ISSUES 21-027

If the applicant or recipient is not satisfied with the findings from the SDSW review, and the complaint is not related to fair hearing issues, he may request that the Director of the SDSW review the decision. The Director may reach a decision on the basis of the SDSW findings or may schedule a formal hearing.

21-029 RECORDS AND CONTROLS 21-029

In accordance with Section 10850 of the Welfare and Institutions Code, the identity of any complainant is to be kept confidential except to the extent necessary to carry out the complaint procedures. Copies of all records on investigation of discrimination are to be filed centrally in order to make them readily accessible for state and federal review and reporting purposes.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

- (5) Repeals Manual Intercounty Disputes as to Care of Indigents
- (6) Adopts recodified Sections as follows:

Regulations	INTRA- AND INTERAGENCY RELATIONS AND AGREEMENTS	29-507
	INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS	

CHAPTER 29-500 INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS

29-501 APPLICABILITY OF CHAPTER 29-501

The regulations set forth in this chapter are applicable only to those inter-county disputes concerning the care of an indigent which are referred to the SDSW pursuant to Sec. 17005 of the W&IC.

29-503 ESTABLISHMENT OF RESIDENCE 29-503

Residence is established by union of act and intent. Physical presence and an intent to reside at that place must both exist at the same time.

Evidence acceptable to indicate residence intent includes physical presence, statements of the person, purchase of property, investment in business interests, search for employment, presence of immediate family, presence when not employed, registration to vote, and community and business affiliations.

In the absence of evidence to the contrary it may be deemed that residence begins as of the date of entry into the state.

Establishment of residence of persons unable to exercise intent is not governed by this section. Such persons include prisoners, unmarried minors, and married women living with their husbands.

29-505 COMPUTATION OF LENGTH OF STATE RESIDENCE 29-505

The continuity of state residence is suspended but not broken by periods of time spent in a public institution or on parole therefrom, or by absence from the state for employment or other special or temporary purpose. Such periods are not included in the computation of the three-year period the person must have "lived continuously" in the state. Time spent in the state prior to and subsequent to the period of suspension may be added together to compute the total length of state residence.

29-507 LOSS OF STATE RESIDENCE 29-507

State residence is lost only through absence from the state for a period of one year or more for some purpose other than a temporary or special purpose, such as for labor or imprisonment. State residence may be retained, if the person so desires, during an absence of more than a year if the absence is for a temporary or special purpose. If a person remains in the other state after employment or other specific or temporary purpose terminates, there is a rebuttable presumption that he starts acquiring residence in the other state at the time of such termination.

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

29-509

 INTRA- AND INTERAGENCY RELATIONS AND AGREEMENTS
 INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS

Regulations

29-509 COMPUTATION OF LENGTH OF COUNTY RESIDENCE

29-509

County residence need not be determined if the person does not have the required three years state residence.

The continuity of county residence is suspended but not broken by periods of time spent in a public institution or on parole therefrom or in a private charitable institution. Such periods are not included in the computation of the required one year county residence. Time of residence in the county prior to and subsequent to the period of suspension may be added together to compute the total length of county residence.

Absence from the county for special or temporary purpose, such as employment, does not suspend acquisition of the required year period of county residence.

Where county responsibility depends on length of presence because the applicant lacks one year of continuous residence in any county during the three years prior to application, only the time of actual physical presence may be counted. Time spent in a public institution or on parole therefrom or in a private charitable institution shall not be counted as physical presence.

Time spent in a nonresponsible county by a person supported pursuant to an intercounty agreement under Sec. 17110, W&IC, shall not be counted either as time of residence or time of presence in the nonresponsible county.

29-511 LOSS OF COUNTY RESIDENCE

29-511

Absence from the county with intent to establish residence elsewhere terminates county residence.

County residence is not lost through absence for a special or temporary purpose, such as labor or imprisonment. If a person remains outside the county of residence after employment or other special or temporary purpose terminates, there is a rebuttable presumption that he starts acquiring residence in the other jurisdiction at the time of such termination.

County responsibility may continue pursuant to Sec. 17105, W&IC, even after county residence has terminated.

29-513 EXAMPLE OF COUNTY RESPONSIBILITY IN ABSENCE OF A YEAR'S RESIDENCE

29-513

The "A" family applied for General Relief in county "W" on September 3, 1955, after residing there since January 3, 1955. Investigation disclosed they had lived in the following counties:

	<u>From</u>	<u>To</u>	<u>Length</u>
County W	1/3/55	9/3/55	8 months
County X	3/3/54	1/3/55	10 "
County Y	7/18/53	3/3/54	7½ "
County Z	9/1/52	7/18/53	10½ "

Since the family has resided in County "Z" for the longest period of time in three years preceding application, County "Z" is responsible for their support.

CALIFORNIA-SDSW-MANUAL-0

Issue 251

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29-515 RESIDENCE OF INMATES OF PUBLIC INSTITUTIONS 29-515

A person in a public institution or on parole therefrom maintains the residence he had prior to commitment. Exception: Minors. See Sec. 29-519.3.

29-517 RESIDENCE OF MARRIED WOMEN 29-517

The place of residence of a married woman is that of her husband unless they are living separate and apart. The wife does not thereby acquire her husband's length of residence, but her periods of residence prior to and subsequent to marriage may be added together in computing total residence. If married persons are living separate and apart the wife may establish her own residence in the same manner as any other person.

29-519 RESIDENCE OF MINORS 29-519

.1 Married

The residence of minor married persons is determined in accordance with the rules relating to adults and is not affected by their minority.

.2 Unmarried

If the residence of an unmarried minor cannot be determined by applying the provisions of Sec. 17102, W&IC, the residence shall be determined under the provisions of Sec. 17.1(c), (d), (e) or (f), W&IC.

.3 In Institutions

The residence of a minor may be changed while he is in an institution by the person who determines the minor's residence.

29-521 RESIDENCE OF SEAMEN 29-521

The residence of a seaman as established upon adoption of his career or occupation is usually deemed to remain unchanged. He may, however, fix a residence elsewhere by union of act and intent.

A seaman shall be deemed to have residence for GR purposes if he presents papers showing substantially continuous discharge or sailings from California ports for a period of three years or more and meets the other residence requirements of the law.

When a seaman is married, his residence is usually the place where his wife and family dwell. A seaman may not start to acquire residence before he first came to the state even though his family preceded him. When a seaman has friends, property or business interests in a certain place and is in the habit of spending his time there when not at sea, this place may be regarded as his residence.

CONTINUATION SHEET
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29-523	INTRA- AND INTERAGENCY RELATIONS AND AGREEMENTS INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS	Regulations
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29-523 RESIDENCE OF ARMED FORCES PERSONNEL

29-523

The residence of a member of the Armed Forces generally remains that which he had prior to such service. Residence is neither gained nor lost by being temporarily stationed in line of duty at a particular place even for a period of years.

A new residence may be acquired during service if both act and intent concur. The period of acquisition should be computed from date of such concurrence.

29-525 INTERCOUNTY DISPUTE PROCEDURE

29-525

Any county involved in a dispute with another county involving responsibility for an indigent may refer the dispute to the State Department of Social Welfare by filing an appeal with the department on a form substantially similar to the form in this section. The form must be signed by the chairman of the board of supervisors.

The form must be accompanied by a statement of the evidence and the contentions of the appealing county.

Three copies of all papers must be transmitted so that the department can furnish copies to the other county.

The department shall forward copies of the appeal and supporting documents to the board of supervisors and county welfare director of the other county. Thirty days shall be allowed for an answer. Copies of any material filed by either county shall be forwarded to the other county and an opportunity given for reply. The record shall not be closed for decision until at least thirty days have elapsed without the filing of an answer, or at least fifteen days have elapsed without the filing of a reply to the answer or any subsequently filed material.

The department may base the decision on the written materials filed by the counties, or may schedule a hearing before a referee.

The decision of the director may be appealed to the SSWB within thirty days of the mailing of the director's decision to the county. The appeal must be in writing, but may be informal. The department's record upon which the director's decision was based may be supplemented by additional evidence and contentions or a hearing before the board makes its decisions.

The decision of the board shall be the final decision of the department and shall not be subject to further appeal or rehearing.

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29-525 INTERCOUNTY DISPUTE PROCEDURE (Continued) 29-525

STATE DEPARTMENT OF SOCIAL WELFARE

In the Matter of

a person alleged to come within
the provisions of Chapter 1,
Part 5, Division 9 of the Welfare
and Institutions Code, State of
California

APPEAL TO THE
STATE DEPARTMENT OF
SOCIAL WELFARE

IT APPEARING that the responsibility (within the meaning
and intent of Chapter 1, Part 5, Division 9 of the Welfare and Institutions
Code, State of California), for the above-mentioned _____

_____ is in dispute between the County of _____
and the County of _____, the Board of
Supervisors of the said County of _____, in
conformity with the provisions of Section 17005 of the above-mentioned Chapter 1,
Part 5, of Division 9 of the Welfare and Institutions Code, State of California,
hereby submits said dispute to the State Department of Social Welfare for
decision.

Attached to this appeal is the summary of facts upon
which this appeal is based.

Approved this _____ day of _____, 19____.

Board of Supervisors of the County of _____

By _____
Chairman of Board of Supervisors

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

(3) Repeals Dept. Bulletin 646 (DP) WELFARE AUTOMATIC DATA PROCESSING

(4) Adopts recodified Section as follows:

DIVISION 28 DATA PROCESSING
 CHAPTER 28-000 WELFARE AUTOMATIC DATA PROCESSING
 28-001 WELFARE AUTOMATIC DATA PROCESSING

28-001

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- 04 Scope
- 05 General Description of County Requirements
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 - 1. Study Required
 - 2. Systems Packet
 - 3. Determination of Allowance of Federal Participation
 - 4. Submittal of Claims for Changes in Existing Contracts, Agreements, or Arrangements

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

28-001 WELFARE AUTOMATIC DATA PROCESSING (Continued)

28-001

01 Introduction

The use of automatic data processing methods in the administration of public welfare programs is increasing. The possible involvement of relatively large expenditures of funds and the concern for proper and efficient administration have necessitated the adoption of a policy which establishes the conditions under which federal financial participation will be available in expenditures for the acquisition and use of automatic data processing equipment or purchase of services.

The content and organization of the required information are based on generally accepted principles of automatic data processing. Effective data processing requires the development of a system through involvement of the total agency organization and management in extensive and comprehensive planning. Preparation of the required submittal will provide opportunity to review and, if necessary, redefine the agency's goals and objectives with respect to the use of data processing.

This policy is divided into two major parts and directed to:

- (1) county welfare agencies that do not use automatic data processing as of July 1, 1965, and
- (2) county welfare agencies that use automatic data processing as of July 1, 1965.

For agencies that do not use automatic data processing, but plan to have it after July 1, 1965, the conditions for federal financial participation include a requirement for submittal of comprehensive materials designed to give assurance:

- (1) that the agency has determined its objectives on the basis of a substantial analysis of its current and planned system,
- (2) that the selection of equipment by the agency and the method of acquisition or the services to be purchased bear a reasonable relationship to the objectives and study results, and
- (3) that the agency has made adequate internal plans to put the system into operation.

Similarly, for agencies that used automatic data processing prior to July 1, 1965, the condition for continuing federal financial participation is a submittal describing the automatic data processing systems presently in use. Such information will determine the justification for continuing federal financial participation and assist in eliminating unnecessary tasks, combining or coordinating others, and thereby obtaining more effective utilization of such equipment. Therefore, in accordance with the requirements of this policy, each agency in which automatic data processing is used or planned to be used must submit, as a condition for federal participation, information indicating proper utilization of such equipment or services.

02 Authority

Sections 4200 - 4252.2 of Part V of the Federal Handbook of Public Assistance Administration list the minimum requirements that a local welfare agency must meet to qualify for federal participation in welfare data processing costs.

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28-001 WELFARE AUTOMATIC DATA PROCESSING

28-001

03 Purpose

This policy prescribes the conditions under which federal financial participation will be available in public assistance administrative costs for:

- (1) the acquisition of automatic data processing equipment,
- (2) the continued use of automatic data processing equipment delivered prior to July 1, 1965, or
- (3) the purchase of automatic data processing services.

04 Scope

The equipment affected by this policy statement includes:

- (1) electronic computers irrespective of size, capacity or cost
- (2) all peripheral or auxiliary equipment used in support of electronic computers, whether or not cable connected and whether selected and acquired with the computer or separately
- (3) punched card equipment

05 General Description of County Requirements

The reporting requirements vary depending on whether the local agency:

- (1) controls and supervises operation of the automatic data processing equipment, or
- (2) pays for automatic data processing services from facilities operated and controlled by other local government agencies or by commercial or other nonpublic facilities.

Two types of packets as issued with this bulletin (one for each of the two categories described above) have been designed to help counties prepare the required minimum information. Five copies of the appropriate type of packet are to be completed. The county is to retain one copy for future reference and submit the other four to SDSW. The State Department of Social Welfare will issue revisions to the packets as necessary.

Equipment Controlled by Welfare

For counties with automatic data processing equipment under the control and supervision of the welfare department, the "Systems Packet for County Welfare Controlled ADP Equipment" (see attached copy) will provide the required information for:

- (1) new installations where equipment is installed on or after July 1, 1965, or
- (2) existing equipment installed prior to July 1, 1965, or
- (3) changes in existing equipment.

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28-001 WELFARE AUTOMATIC DATA PROCESSING

28-001

Services Purchased by Welfare

For counties that pay for automatic data processing services, the "Systems Packet for Automatic Data Processing Services Purchased by County Welfare" (see attached copy) will provide the required information for:

- (1) new proposals, agreements, or arrangements entered into on or after July 1, 1965, or
- (2) existing contracts, agreements or arrangements in force prior to July 1, 1965, or
- (3) changes in existing contracts, agreements or arrangements.

Counties must complete the appropriate sections of the packets to qualify for federal participation in their data processing costs. If a packet is received by the State Department of Social Welfare which does not substantially contain the minimum required information it will be returned to the county and not submitted to the Federal Government. This could result in loss of federal participation. Data processing personnel from the State Department of Social Welfare will be available to answer questions and to provide assistance in compiling the required material. Requests for packet sets, information or assistance may be made by writing to:

Data Processing Systems Bureau
 State Department of Social Welfare
 2570 - 24th Street
 Sacramento, California 95818

Attention: County Coordination Section

07 Definition of Terms

Data Processing is defined as the preparation of source media which contain data or basic elements of information, and the handling of such data according to precise rules of procedure to accomplish such operations as classifying, sorting, calculating, summarizing, and recording.

Automatic Data Processing (ADP) is defined as data processing performed by a system of electronic or electrical machines so interconnected and interacting as to reduce to a minimum the need for human assistance or intervention.

Automatic Data Processing Equipment (ADP Equipment) is defined as a machine or group of interconnected machines consisting of input, storage, computing, control, and output devices which perform arithmetic and/or logic operations automatically by means of internally stored or externally controlled programmed instructions.

A Probability Study is a relatively broad gauged and brief study to determine whether it is sufficiently probable that effective use of automatic data processing equipment can be made to warrant the substantial investment of staff, time and money in a more detailed study.

Systems Analysis is the examination in greater detail of the functions and procedures in order to obtain an understanding of the system as it exists. The analysis describes existing procedures, exposes deficiencies, and enables a determination of what the real needs are for improving present systems or developing new ones. The analysis also includes information on the cost of the existing system in order to provide a basis for comparison with the estimated costs of the new improvements.

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28-001 WELFARE AUTOMATIC DATA PROCESSING (Continued)

28-001

Systems Design is the putting together of a new and more efficient system which avoids the deficiencies and discrepancies discovered in the old system and capitalizes on the capabilities of the equipment. The systems design includes also the development of systems specifications which provide a basis for the selection of equipment.

A New Installation is the acquisition of automatic data processing equipment (see definition) by a welfare agency where a such a system did not exist previously.

Change in Existing Automatic Data Processing Equipment is the acquisition of additional automatic data processing equipment (see definition) or the replacement of existing automatic data processing equipment subsequent to a submittal of information which has been made in accordance with the requirements of this policy.

20 Equipment Under the Control and Supervision of the Local Welfare Agency

Under conditions specified below, federal financial participation is available in the cost of automatic data processing equipment operated by a public assistance agency under its control and supervision. For the purpose of this policy the acquisition of such equipment is classified into three groups:

- (1) new installations, i.e., where the automatic data processing equipment is delivered on or after July 1, 1965 (Section 21)
- (2) existing automatic data processing installations, i.e., where such equipment has been delivered prior to July 1, 1965 (Section 22); and
- (3) changes in existing automatic data processing equipment, i.e., acquisition of additional equipment or replacement of existing equipment on or after July 1, 1965 (Section 23).

21 New Installations (Where Automatic Data Processing Equipment is Delivered on or After July 1, 1965)

1. Studies Required

The county welfare department must submit the following studies to the State Department of Social Welfare for review and approval:

- a. a probability study which shall encompass, as a minimum, a brief examination of each process performed by the agency within specified general welfare areas. (Refer to Form DPS 28 in Section 1 of the attached "Systems Packet for County Welfare Controlled Automatic Data Processing Equipment" as a guide to such general welfare areas.)
- b. a study in greater depth, i.e., a systems analysis and systems design, of each of the welfare processes that the agency plans to convert to automatic data processing in the initial application as well as of those processes which are interrelated.

2. Systems Packet

A "Systems Packet for County Welfare Department Controlled Automatic Data Processing Equipment" must be properly completed and submitted to the State Department of Social Welfare.

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(Pursuant to Government Code Section 11380.1)

28-001 WELFARE AUTOMATIC DATA PROCESSING (Continued)

28-001

3. Determination of Allowances of Federal Participation

Federal participation will be provided if:

- a. Items 1 and 2, above, have been completed and submitted to the State Department of Social Welfare, and
- b. the local agency's processing requirements and provisions for adequate staff are reasonable, and
- c. the selection of equipment can be expected to be successfully and advantageously applied to meet the local agency's requirements.

4. Submittal of Claims for New Installations

Claims may be made for federal financial participation beginning with the quarter for which the costs for automatic data processing equipment have been incurred, provided the material listed above has been submitted to the State Department of Social Welfare for review, approval and submission to the Federal Government. At least three weeks should be allowed for review by the State Department of Social Welfare prior to or during such quarter. Such claims will be subject to adjustment in the event of nonapproval.

22. Existing Automatic Data Processing Equipment Installed Prior to July 1, 19651. Systems Packet

Effective January 1, 1966, federal financial participation in local agency expenditures, under plans approved under the public assistance titles of the Social Security Act, to meet the costs of rental, purchase or lease-purchase of automatic data processing equipment which was delivered prior to July 1, 1965, will continue to be available, provided a "Systems Packet for County Welfare Department Controlled Automatic Data Processing Equipment" is properly completed and submitted to the State Department of Social Welfare on or before January 1, 1966. If the agency fails to submit a properly completed packet set, and Federal financial participation is discontinued, such participation will be resumed beginning with the quarter in which a submittal, meeting these requirements, has been made.

2. Continued Claims for Existing Automatic Data Processing Equipment

Claims may continue to be made for federal financial participation in the cost of existing equipment provided the systems packet set has been properly completed and submitted and the automatic data processing system appears to be operating effectively and economically.

23. Changes in Existing Automatic Data Processing Equipment

Federal financial participation in local agency expenditures under plans approved under the public assistance titles of the Social Security Act to meet the costs of rental, purchase, or lease-purchase of additional automatic data processing equipment or the replacement of existing automatic data processing equipment is available provided the following studies are made and submitted to SDSW along with a properly completed systems packet set.

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28-001 WELFARE AUTOMATIC DATA PROCESSING. (Continued)

28-001

1. Studies Required

- a. A brief examination of each process performed by the agency within the general welfare areas must be made to determine whether or not it will be affected by the change in equipment. (Refer to Form DPS 28 in Section 1 of the attached "Systems Packet for County Welfare Department Controlled Automatic Data Processing Equipment" as a guide to such general welfare areas.)
- b. A study in greater depth must be made of each of the welfare processes that the agency plans to convert to automatic data processing or plans to alter as a result of the change in equipment.

2. Systems Packet

A "Systems Packet for County Welfare Department Controlled Automatic Data Processing Equipment" must be properly completed and submitted to the State Department of Social Welfare.

3. Determination of Allowance of Federal Participation

Federal financial participation in the cost of the additional automatic data processing equipment or the replacement of automatic data processing equipment will be provided if:

- a. a "Systems Packet for County Welfare Department Controlled Automatic Data Processing Equipment" has been properly completed and submitted, and
- b. processing requirements and provisions for adequate staff appear reasonable, and
- c. there is reasonable expectancy that the automatic data processing equipment selected can be successfully and advantageously used in meeting the processing requirements.

4. Submittal of Claims for Changes in Existing Automatic Data Processing Equipment

Claims may be made for federal financial participation beginning with the quarter for which the costs for automatic data processing equipment have been incurred, provided the required material is submitted to the State Department of Social Welfare for review, approval, and submission to the Federal Government prior to or during such quarter. At least three weeks should be allowed for review by the State Department of Social Welfare prior to or during such quarter. Such claims will be subject to adjustment in the event of nonapproval.

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28-001 WELFARE AUTOMATIC DATA PROCESSING (Continued)

28-001

40 Purchase of Automatic Data Processing Services

Under conditions specified below, a public assistance agency may secure federal financial participation in the purchase of services from automatic data processing units that are operated and controlled by other units of local government or from commercial or other non-public facilities. For purposes of this policy, such purchase agreements are classified into three groups:

- (1) new proposals and agreements entered into on or after July 1, 1965 (Section 41)
- (2) existing contracts, agreements, or arrangements in force prior to July 1, 1965 (Section 42); and
- (3) changes in existing contracts, agreements, or arrangements (Section 43).

It is not intended that the following requirements will apply in the case of occasional purchase of automatic data processing services for the processing of one-time or other special reports.

41 New Proposals and Agreements Entered into on or After July 1, 19651. Study Required

A study in depth, i.e., systems analysis and design (see Section 07) must be made of each welfare process for which automatic data processing services will be purchased and of the processes which are interrelated and submitted to SDSW.

2. Systems Packet

A properly completed "Systems Packet for Automatic Data Processing Services Purchased by County Welfare" must be submitted to SDSW.

3. Determination of Allowance of Federal Participation

Federal participation will be provided if:

- a. Items 1 and 2, above, have been completed and submitted to the State Department of Social Welfare and
- b. the local agency's processing requirements and provisions for adequate staff are reasonable, and
- c. the automatic data processing services to be purchased can be expected to be successfully and advantageously applied to meet the local agency's requirements.

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28-001 WELFARE AUTOMATIC DATA PROCESSING (Continued)

28-001

4. Submittal of Claims for New Proposals and Agreements

Claims may be made for federal financial participation beginning with the quarter for which the costs for automatic data processing services have been incurred, provided a properly completed packet set has been submitted to the State Department of Social Welfare for review, approval, and submission to the Federal Government prior to or during such quarter. At least three weeks should be allowed for review by the State Department of Social Welfare prior to or during such quarter. Such claims will be subject to adjustment in the event of nonapproval.

42 Existing Contracts, Agreements or Arrangements in Force Prior to July 1, 19651. Systems Packet

Effective January 1, 1966 federal financial participation in local agency expenditures under plans approved under the public assistance titles of the Social Security Act to meet the costs of automatic data processing services purchased pursuant to arrangements entered into with another governmental unit or from commercial or other nonpublic facilities prior to July 1, 1965, will continue to be available provided a properly completed "Systems Packet for Automatic Data Processing Services Purchased by County Welfare" is submitted on or before January 1, 1966. If the agency fails to submit a properly completed packet set and federal financial participation is discontinued, such participation will be resumed beginning with the quarter in which a submittal, meeting these requirements, has been made.

The information contained in the packet set will enable the State Department of Social Welfare to evaluate the local agency's welfare data processing operations including the adequacy of staff and to assist the local agency to achieve the maximum benefits from the purchase of automatic data processing services.

2. Continued Claims for Existing Contracts, Agreements or Arrangements

Claims may be made or continue to be made for federal financial participation in the cost of such services purchased under an existing arrangement unless it is determined from the appraisal of the information submitted and from subsequent explorations, that the automatic data processing system will not successfully achieve the objectives of effectiveness and economy.

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28-001 WELFARE AUTOMATIC DATA PROCESSING (Continued)

28-001

43 Changes in Existing Contracts, Agreements or Arrangements

Federal financial participation in local agency expenditures, under plans approved under the public assistance titles of the Social Security Act, to meet the costs of automatic data processing services purchased by a local welfare agency from another governmental unit or from commercial or other nonpublic facilities in accordance with a change in the existing agreement, or in the system, or in the extent of automatic data processing services, is available only under the following conditions.

1. Study Required

A study in depth must be made and submitted to the State Department of Social Welfare for review and approval of each welfare process that the agency plans to convert to automatic data processing or plans to alter as a result of the change in system or services purchased.

2. Systems Packet

A properly completed "Systems Packet for Automatic Data Processing Services Purchased by County Welfare" must be submitted.

3. Determination of Allowance of Federal Participation

Federal participation will be provided if:

- a. Items 1 and 2 above have been completed and submitted to the State Department of Social Welfare, and
- b. the local agency's processing requirements and provision for adequate staff are reasonable, and
- c. the automatic data processing services to be purchased can be expected to be successfully and advantageously applied to meet the local agency's requirements.

4. Submittal of Claims for Changes in Existing Contracts, Agreements or Arrangements

Claims may be made for federal financial participation beginning with the quarter for which the costs for automatic data processing services, as affected by the change, have been incurred, provided the minimum information has been submitted by the agency prior to or during such quarter. At least three weeks should be allowed for review by the State Department of Social Welfare prior to or during such quarter. Such claims will be subject to adjustment in the event of nonapproval.

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Regulations

SUSPECTED LAW VIOLATIONS

42-551 (Cont.)

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42-551 RECIPIENT FRAUD

42-551

The following sections from Operations Manual Chapter 20-000, Recipient Fraud, indicate regulatory procedures which are to be used by social workers in the prevention and detection of fraud. These pertinent sections are repeated herein as they are needed in daily operations, with the Public Social Service Regulations.

**20-003 DEFINITION OF FRAUD FOR PURPOSE OF MANDATORY REFERRAL TO THE
 DISTRICT ATTORNEY**

Fraud by applicants for or recipients of public assistance exists when the applicant or recipient has:

- .1 Knowingly and with intent to deceive or defraud made a false statement or representation to obtain aid, obtain a continuance or increase of aid, or avoid a reduction of aid.
- .2 Knowingly and with intent to defraud failed to disclose a fact which, if disclosed, could have resulted in denial, reduction or discontinuance of aid.
- .3 Accepted aid knowing he is not entitled thereto, or accepted any amount of aid knowing it is greater than the amount to which he is entitled.
- .4 For the purpose of obtaining, continuing, or avoiding a reduction or denial of aid, made statements which he did not know to be true with reckless disregard of the truth.

20-007 CRITERIA FOR REFERRAL OF CASES TO THE DISTRICT ATTORNEY

.1 Referral of Cases

When reasonable grounds exist to suspect that fraud has occurred, the case shall be referred to the district attorney for further action.

- .11 In OAS, APSB and AB, attempts to obtain restitution by request, civil action, or other suitable means shall be used prior to referral, after which the case shall be referred to the district attorney.

Interpretation - In order to secure restitution by civil action, the county counsel, or if there is none, the district attorney, will need to be involved, but this is not a "referral," as the word is generally used in this chapter.

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AB
 ATD
 OAS
 AFDC

42-551 (Cont.) SUSPECTED LAW VIOLATIONS Regulations

42-551 RECIPIENT FRAUD (Continued) 42-551

.2 Factors to be Considered Under Reasonable Grounds

In making the decision whether reasonable grounds to suspect fraud exists, such factors as the manner in which the recipient has acted, the reasons he gives for his actions or failure to act, his ability or lack of ability to understand his responsibility and to understand the relevance of the information, must be evaluated.

.21 Cases should be referred unless:

- .211 The recipient made full disclosure of the facts, but the county welfare department due to its own omission, neglect, or error, failed to act on these facts and the recipient was not aware of an overpayment.
- .212 The recipient had no knowledge of the facts and made no knowing misrepresentation.
- .213 The recipient was not informed or was misinformed of the necessity to report the facts.
- .214 The recipient is so mentally deteriorated or retarded that he is not responsible for his actions.

20-009 METHODS OF PREVENTION AND INVESTIGATION

.1 Prevention of Fraud and Investigation of Suspected Ineligibility

The caseworker must establish the kind of relationship with the applicant or recipient which will enable him to understand and accept the program requirements and participate in establishing eligibility on a proper basis, and in planning and working toward the solution of problems. Mutual respect and trust are essential to this relationship in the casework process. The applicant or recipient must understand his responsibility for promptly reporting facts relating to a correct determination of eligibility and amount of grant and the penalties involved in not reporting or misstating facts. This responsibility should be reviewed with the recipient periodically as a reminder or to clear up any misunderstanding.

The caseworker, in addition to interpreting the recipient's responsibility, is responsible for taking prompt action on information received and for relating information received or observed to possible future changes in eligibility or need which should be followed up. In short, the follow-up of clues to prevent possible fraudulent action by the recipient is a recognized "helping" process for which the worker is responsible.

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Regulations SUSPECTED LAW VIOLATIONS 42-551 (Cont.)

AB
ATD
OAS
AFDC

42-551 RECIPIENT FRAUD (Continued) 42-551

When it is known that recipients have a problem in reporting changes, more frequent contacts may minimize the problem when there is a reasonable doubt as to the continuing eligibility or correctness of grant. Prompt withholding of aid may be the factor which will obviate a referral for fraud.

The observations of the worker and clues from unrelated conversation may provide clues for discussion of family problems and arrangements which will bring out the facts even though the recipient may not have intended to report them in the beginning. An atmosphere of helpfulness and trust may prevent fraud.

20-011 PROCEDURAL REQUIREMENTS, COUNTY WELFARE DEPARTMENTS

When the worker identifies a case as one involving a possible overpayment, the caseworker's supervisor is to be informed unless the question is resolved at that time and there are no reasonable grounds to suspect fraud. The supervisor shall establish adequate controls to insure that prompt action is taken to resolve the question of overpayment.

At that point at which the caseworker (*Interpretation - As used in this chapter the term "caseworker" includes the actual caseworker and the supervisory levels through which major case decisions are cleared or approved.*) reaches a decision that there are reasonable grounds to suspect that an overpayment of aid was due to fraud, or that special investigative methods are necessary to determine the existence of overpayment or the reason for overpayment, a Form ABCDM 272 (see PSS Manual, Appendix 2, Forms) shall be completed. A county form may be used in place of ABCDM 272 insofar as a rearrangement is necessary for processing in that county, or to incorporate additions which the county welfare department may wish to make. This form shall be completed in a sufficient number of copies to provide one copy for the case record, one copy for a county central fraud referral file, copies necessary for internal use and for use by law enforcement officials as agreed upon. All copies of Form ABCDM 272 shall be signed by the caseworker and referred to the person designated as responsible for final review and decision as to referral of the case.

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42-551 (Cont.)

SUSPECTED LAW VIOLATIONS

Regulations

AB
 ATD
 OAS
 AFDC

42-551 RECIPIENT FRAUD (Continued)

42-551

A notation of this action shall be recorded in the case dictation. The person so designated shall review the Form ABCDM 272 and any supporting documents and make one of the three following determinations:

- .1 The facts do not indicate reasonable grounds to suspect fraud and do not warrant further investigation or other action. In that event an explanation of the reason for nonreferral shall be entered on the Form ABCDM 272, one copy filed in the county central fraud referral file, and one copy filed in the case record.
- .2 The evidence submitted indicates that further investigation beyond the scope of casework methods is necessary to determine if there are reasonable grounds to suspect fraud. In that event the case shall be referred to the Special Investigation Unit for appropriate action.
- .3 The information contained on the Form ABCDM 272 and supporting documents, clearly supports the referral to the district attorney in that it establishes the existence of reasonable grounds to suspect fraud. In that event, the Form ABCDM 272 shall be approved and forwarded to the law enforcement officials together with any necessary supporting documents. The caseworker handling the case shall be notified by returning one copy of the Form ABCDM 272 to be placed in the case record.

Upon referral of a case to the Special Investigation Unit, necessary investigation shall be made, a report of the findings prepared, a recommendation as to further action made, and the case returned to the person designated as responsible for final review and decision as to referrals to the district attorney.

Upon return of a case from the Special Investigation Unit, the "designated person" will again review it, including the investigation report, and make a determination as to whether the facts now establish reasonable grounds to suspect fraud. If so, the Form ABCDM 272 and all necessary supporting documents including the investigation report shall be referred to law enforcement officials. A copy of the Form ABCDM 272, bearing appropriate notations, shall be placed in the case record.

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CALIFORNIA-SDSW-MANUAL- PSS

Issue 632

Effective 9/1/63
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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 2 - 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

APR 2 - 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: March 27, 1968

By: *John C. Smith*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 3 - 1968

At 11:05 o'clock a.m.

FRANK M. JORDAN, Secretary of State

By: *John P. Sullivan*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
IN STATE HOSPITALS

40-167

AB | The procedure agreed upon between the SDMH and the SDSW shall be followed for an
ATD | applicant or recipient who is in a state hospital or who is on leave of absence
therefrom.

.1 State Department of Mental Hygiene Responsibility

State Department of Mental Hygiene's responsibility prior to patient's release from state hospital:

- .11 Identifies persons in state hospitals who are apparently ready for community living and thus are to be discharged or released on leave of absence.
- .12 Plans in advance with the county where the patient will be living, if it appears such person will be in need of financial assistance following his release. Such advance planning is, wherever possible, to be initiated at least 60 days or more before the patient's release. Social planning is a collaborative function of the State Department of Mental Hygiene (Hospital Social Service Department), the SDSW Division of Protective Social Services and the county. Counties will rely on the Division of Protective Social Services for assistance both in planning and in continuing supervision and help to the recipient during his community adjustment.
- .13 Identifies immediately to the county any patient who does not have a guardian or conservator but it appears will need one.
- .14 Plans with the patient for living arrangements outside the hospital and informs the county of those arrangements.
- .15 Provides the county with all available information regarding the patient's needs, income, resources, close relatives, etc.
- .16 Informs the county of any significant changes such as a change in plan for the patient's discharge or release.
- .17 Informs the county welfare department immediately when the patient is discharged or placed on leave, the date of such release, and the patient's address if different from that reported in earlier planning with the county.

.2 County Responsibility Prior to Patient's Release from State Hospital

(See Section 40-125 re county responsibility for the person on leave of absence from a state hospital.)

.21 The county shall:

- .211 Cooperate with the State Department of Mental Hygiene and the State Department of Social Welfare Protective Social Services Division in

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CONTINUATION SHEET
**FOILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

40-167 (Cont.)

DETERMINATION OF ELIGIBILITY

Regulations

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
 IN STATE HOSPITALS (Continued)

40-167

AB
ATD

advance planning for the patient in a state hospital who has been considered ready for release on leave of absence or discharge and who apparently will need public assistance following his release.

- .212 Assist, when requested by the State Department of Mental Hygiene or the SDSW Protective Social Services Division, in locating satisfactory living arrangements for the patient in the local community.

During contacts with family and relatives, the county will learn of attitudes and relationships which will become the most significant part of the recipient's environment. If the family is frightened, hostile, or uninformed, or is involved in problems that will be harmful to the recipient's adjustment, the county should convey this information to the hospital social worker. The county may need to arrange for the family to visit the hospital for further interpretation and discussion, in case the hospital worker thinks this advisable before final plans are made for the person's release.

- .213 Accept and process applications for public assistance as rapidly as possible.

- .214 Assist in arranging guardianship or conservatorship for the patient when need for such is evident. (See Item .13 above under Responsibility of State Department of Mental Hygiene and Section 40-151.)

.3 County Responsibility After Patient's Release from State Hospital

- .31 Continue to provide financial and medical assistance to which the patient is determined eligible.
- .32 Provide such other services as are appropriate and available to other public assistance recipients with emphasis on assisting the recipient to adjust to living outside an institutional setting and promoting self-care and rehabilitation.
- .33 Continue to plan with the State Department of Mental Hygiene to the end that there will be neither gaps nor duplication in the services provided for the individual recipient.

.4 Protective Social Services Division Responsibility After Patient's Release from State Hospital

- .41 Provide casework services and supervision related to the recipient's mental condition for patients on leave of absence.
- .42 Provide continuing consultation as needed to the county welfare department and/or to the operator of a foster home or boarding home where the recipient is living, such consultation to be in the nature of planning for and with the recipient to assist in his adjustment to community living.

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
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(Pursuant to Government Code Section 11380.1)

Regulations

DETERMINATION OF ELIGIBILITY

40-167 (Cont.)

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
IN STATE HOSPITALS (Continued)

40-167

AB
ATD

- .43 Plan with the county for any proposed change in the recipient's living arrangements or in services to the leave of absence recipient.
- .44 Wherever possible, plan with the county before the patient is readmitted to the hospital and inform the county immediately when such readmission becomes necessary.

.5 Specific Application and Investigation Procedure

When a person who is about to be released on leave of absence or discharged from a state hospital will be in need of financial assistance and wishes to apply for aid the application and investigation procedure is as follows:

- .51 The State Department of Mental Hygiene, acting on behalf of the applicant, applies for aid by letter to the county. (See Section 40-125.)

The patient who is to be released on leave of absence is considered to "live" in the county from which he was admitted to the institution. Wherever possible and consistent with a sound plan for the patient, the State Department of Mental Hygiene will endeavor to return him to the county from which he was admitted when he is released on leave of absence. However, such a placement plan is not always possible or in the best interest of the patient. If the patient on leave of absence is to be cared for in a county other than the county from which he was admitted, the county from which admitted is still the county in which he is considered to "live" and primary responsibility for the public assistance case rests with that county. However, as provided in Section 40-125, the county in which he is to be cared for is also responsible for providing needed service to the patient and for cooperating with the county of primary responsibility, with the State Department of Mental Hygiene and the SDSW Protective Social Services Division, in planning for the patient's care outside the institution.

The letter of application by the State Department of Mental Hygiene will include or will be accompanied by:

- .511 A statement that the patient is ready for leave of absence or discharge and that it appears he will be in need of assistance.
- .512 A statement that application for aid is being made on behalf of the patient with his knowledge and consent (provided he is capable of such) or, if a guardian or conservator of the estate has already been appointed, that the application is being made with the knowledge and consent of such guardian or conservator. In such case, copies of the letters of guardianship or conservatorship are to be sent to the county with the letter of application.
- .513 A resume of the social data in the hospital records and all significant information in the hospital records relating to financial and service needs of the patient and to eligibility factors such as residence, age, relatives, property (real or personal), income, etc.

CALIFORNIA-SDSW-MANUAL-PSS

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40-167 (Cont.)

DETERMINATION OF ELIGIBILITY

Regulations

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
 IN STATE HOSPITALS (Continued)

40-167

AB | .514 Information as to the living arrangements which will be available for
ATD | the patient when eligibility to aid has been established.

If it appears a guardian will be needed, the hospital social worker
 will provide the county with a statement to that effect at the time
 the application is initiated.

- .52 The county receiving the letter of application will immediately record the
 application on Form ABCDM 200, retain one copy of the application form and
 send one copy to the applicant in care of the hospital social service de-
 partment. If there is a guardian of the applicant's estate, a copy of the
 application is also sent to him.

The county is then responsible for the usual investigation of eligibility
 and for granting or denying aid. The State Department of Mental Hygiene
 may be asked to obtain information from the applicant, to assist in obtaining
 the applicant's Affirmation of Eligibility, Form 201, or to make collateral
 calls in the county in which the institution is located.

Wherever possible, the patient and/or his guardian or conservator are to be
 interviewed by a representative of the county during completion of the
 investigation of eligibility.

If the person on whose behalf the State Department of Mental Hygiene has
 filed an application has no guardian of his estate but will need one, the
 county will, upon receipt of such an application, assist in arranging a
 satisfactory guardianship for the applicant. While efforts are being made
 to arrange guardianship, the county will proceed with the investigation of
 eligibility. (See Section 40-151 re completion of the Affirmation of
 Eligibility, Form 201, when protective service in the form of guardianship
 is necessary.) When the Affirmation of Eligibility is completed by a
 guardian or by another person acting in behalf of the applicant as provided
 in Section 40-151, one copy of the affirmation is given to such person and
 one is sent to the applicant in care of the Hospital Social Service Department.

In ATD only the county welfare department will also send three copies of the
 psychiatric report, Form DA 1A, to the hospital social service department
 with the Form ABCDM 200.

The hospital social worker should be requested to ask the ward physician to
 complete three copies of the psychiatric report, Form DA 1A, and return two
 of the completed forms to the county welfare department.

When Form DA 1A has been received from the hospital and DA 2 completed by
 the county social worker (after incorporation or attachment of social infor-
 mation received from the hospital social service department) one copy of
 the DA 1A and DA 2 should be submitted to the SDSW ATD Review Team.

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
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(Pursuant to Government Code Section 11380.1)

Regulations

DETERMINATION OF ELIGIBILITY

40-167 (Cont.)

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
IN STATE HOSPITALS (Continued)

40-167

AB
ATD

The hospital social service department should be notified of the action of the ATD Review Team upon receipt of the Certificate of Disability, Form DA 3. If further information has been requested, the hospital social service department should be advised of the information requested in the deferral action.

- .53 Just prior to the granting of aid, the county obtains verification from the hospital that a plan has been completed for the applicant to leave the institution when aid is granted.
- .54 Immediately after county action either granting or denying aid, the applicant and/or the person acting in his behalf and the state hospital from which the applicant is to be given a leave of absence or discharge are notified of the action taken. If aid is granted and the applicant has no guardian of the estate, the first warrant is mailed to him in the state hospital. If there is a guardian of the estate, the warrant is mailed to the guardian.
- .55 At the time the first warrant is mailed, two copies of Form ABD 235, Certification from State Department of Mental Hygiene of Applicant's Release from the State Hospital, are sent by the county to the State Department of Mental Hygiene for completion.
- .56 Upon release of the patient from the hospital, one copy of the completed Form ABD 235 is returned to the county paying aid.
- .6 Eligibility and Participation Status for Patient on Leave of Absence or Discharged from State Hospital - Chart

Any patient on leave of absence from a state hospital or discharged from a state hospital may be granted Aid if he is otherwise eligible. However, patients in institutions licensed by the State Department of Mental Hygiene for care of the mentally ill or the mentally retarded are not eligible to receive ATD. Federal participation is not available in AB payments made to a person in an institution for the mentally ill.

A facility which provides care for seven or more persons is considered to be an institution within the meaning of this section.

A facility providing care for six or less persons is not considered to be an institution and federal participation is available in payments made to persons in such facilities even though licensed by the State Department of Mental Hygiene. Family Care Homes are always certified for six or less persons and therefore are not considered to be institutions.

Following is a chart showing aid eligibility and federal participation status as determined by the individual's living arrangements:

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(Pursuant to Government Code Section 11380.1)

40-167 (Cont.) DETERMINATION OF ELIGIBILITY Regulations

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS IN STATE HOSPITALS (Continued) 40-167

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Living Arrangements	Eligible for Aid	Federal Participation
.61 In own home including home with relatives or friends, board and room arrangements, hotel, etc.	Yes	Yes
.62 In board and personal care home or in institution licensed by SDSW for well aged.	Yes	Yes
.63 In any Family Care Home certified by SDMH or in an institution licensed by the SDMH for the care of six or less persons	Yes	Yes
.64 In institutions for seven or more persons licensed by the SDMH for care of the Mentally ill.	AB Yes ATD No	No

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CONTINUATION SHEET
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Repeals Dept. Bulletin 650 Pub. Asst. Payts. to Patients in State Hospitals, and adopts
 40-163 PUBLIC ASSISTANCE PAYMENTS TO PATIENTS IN STATE HOSPITALS 40-163

OAS | .1 General

.11 Purpose

The purpose of these regulations is to provide the requirements and procedures for making public assistance payments to patients, 65 years of age or older, in state hospitals for the mentally ill and the mentally retarded under the OAS and Medical Assistance programs.

The difference between this section and Section 40-167 is that OAS payments may be made to a person while he continues to remain a patient in a state hospital, whereas Sec. 40-167 deals with AB-ATD patients in state hospitals, who are apparently ready for community living and thus are to be discharged or released on leave of absence.

.12 State Department of Social Welfare Responsibility

Staff of the State Department of Social Welfare have been assigned to work in the state hospitals. This staff concentrates on the taking or making of the applications for public assistance, collecting available eligibility information on each patient, and forwarding this information to the responsible county welfare department for processing. They:

serve as a liaison between the hospitals and the counties for the purposes of application and for exchange of information. State Department of Social Welfare staff participate with both the hospital and county welfare department staff on an ongoing basis in those aspects of case and agency planning which are necessary to meet federal and state program requirements. In addition, there is administrative and support staff in the State Department of Social Welfare regional offices to operate and coordinate the program statewide.

.13 County Welfare Department Responsibility

The county welfare department has responsibility for receiving the application, determining eligibility, granting assistance, and for providing other services related to alternate plans of care. For a patient in a state hospital, the county from which he was admitted shall be responsible for paying the aid. Responsibility remains with the county from which the patient was admitted during the period the patient is in the state hospital and during any period he is on leave of absence from the hospital. After discharge from the hospital, county responsibility is determined in the same manner as for other recipients.

.14 Joint Responsibilities

During such time as the recipient remains a patient in the state hospital provision for his care and treatment, including assistance in utilizing his personal and incidental allowance, is the responsibility of the hospital staff. However, the county welfare department is responsible for assisting in the development and implementation of an alternate plan for the patient's care outside the hospital as soon as this is determined to be feasible, including the development of appropriate placement resources and/or facilities. It is also responsible for providing all needed services to the recipient-patient during such time as an alternate plan of care is in effect. When a recipient-patient is ready for release from the hospital the alternate plan of care will be coordinated with existing programs for releasing patients such as the Adult Protective Services project and Bureau of Social Work Services.

.2 ELIGIBILITY DETERMINATION

.21 Eligibility Requirements

Except as otherwise indicated in this regulation, the usual OAS eligibility requirements, rules, regulations and procedures are applicable for any person who is applying for OAS while he is a patient in a state hospital for the mentally ill or mentally retarded.

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(Pursuant to Government Code Section 11380.1)

40-163 PUBLIC ASSISTANCE PAYMENTS TO PATIENTS IN STATE HOSPITALS (continued) 40-163

OAS

211 OAS - With Supplementary Medical Assistance

(a) Need Determination

Need is determined in the same manner as for OAS applicants or recipients admitted to any other type of a medical facility.

(b) Responsibility of Adult Children

The responsibility of adult children to contribute to the support of the patient who is an applicant for or recipient of OAS is determined in the same manner as for other OAS applicants or recipients. However, such relative shall not be held responsible for any medical assistance provided to the recipient under the Medical Care program.

22 Hospital Standards

In California, state hospitals for the mentally ill and the mentally retarded meet the required standards to be classified as medical institutions and all persons cared for in such hospitals are considered to be "patients." Therefore, federal requirements with respect to "patient status" and "medical" facility classification may be considered as met for any person who is being cared for in a state hospital for the mentally ill or the mentally retarded in this state.

Application Procedures

Except as otherwise specified herein, appropriate OAS application procedures apply. As indicated under all primary responsibility for processing applications rests with the county welfare department. Cooperation of all three agencies is essential to carry out the basic intent of the statutes and to provide prompt and adequate services to these people. Following are the steps which will be necessary in processing of most applications:

31 State Department of Mental Hygiene

Within the hospital, the State Department of Mental Hygiene will refer to the State Department of Social Welfare liaison staff those patients in the hospital who are 65 years of age or over. Insofar as possible, patients will be referred to SDSW liaison staff 60 days before the patient is 65 years of age. While application material is being prepared, SDMH staff will designate:

311 Whether or not the patient is capable of acting in his own behalf in applying for assistance and in completing the Affirmation of Eligibility.

312 The name and address of the patient's guardian and/or conservator when such has been appointed.

313 The name and position of the hospital staff member who will carry the liaison and planning responsibilities for this program within the hospital.

32 SDSW Liaison Staff

321 Screening Hospital Records

The SDSW liaison staff is responsible for screening the patient's hospital records for all pertinent information which relates to eligibility.

322 Interview Patient

SDSW liaison staff will see and, where possible, interview the patient. (a) If the patient is able to act for himself and wishes to apply for OAS or for assistance as a medically needy person, applicable forms shall be completed.

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(Pursuant to Government Code Section 11380.1)

40-163 PUBLIC ASSISTANCE PAYMENTS TO PATIENTS IN STATE HOSPITALS (Continued) 40-163

OAS

- (b) If it is determined that the patient is unable to act in his own behalf, appropriate steps will be taken by SDSW staff to secure an Affirmation of Eligibility from a person acting on behalf of the patient. If there is no guardian or conservator, SDSW liaison staff may act for him in initiating the application and completing the Affirmation of Eligibility.

If the patient has a guardian or conservator, the SDSW staff will request the county welfare department in the county where such guardian or conservator lives to interview him and, if he wishes to apply for the patient, secure the affirmation and other pertinent information and evidence. If letters of guardianship or conservatorship are available in the hospital file, Form DPA 5 will be completed by the SDSW hospital staff. If the guardian or conservator lives in the county of responsibility the county welfare department will process the application, notifying SDSW staff at the hospital whether or not the guardian has made application, and the date of application.

If the guardian or conservator does not live in the county of responsibility, the completed application and supporting information are to be sent to the SDSW hospital staff who will then be responsible for forwarding the completed application material to the appropriate county of responsibility.

323. Interview Hospital Staff

SDSW liaison staff will interview appropriate medical and social staff in the hospital and, jointly with them, take the first steps in initiating the individual case plan by making a determination of whether an alternate plan of care appears possible because the patient is able, or it appears he will be able, to leave the hospital within the next three months.

324. Record Information

SDSW liaison staff will record all pertinent information obtained from the patient (or person acting for him), from hospital records and hospital staff, on appropriate state forms and, if necessary, in a supplemental narrative report. Forms to be used are SDSW forms AG 267, 201, 202, 203, 203A, 203B, 203C, ABD 228 and, when pertinent, DPA 5 and Temp AG 201.

All available information regarding eligibility factors is to be recorded on the forms or in the narrative. Additionally the following information is to be included:

- (a) The county from which patient was admitted to the hospital.
- (b) Assessment by SDSW staff and appropriate hospital staff of the need for continued care in the hospital, or readiness for consideration for an alternate plan, based on a statement of the patient's present functioning.
- (c) A statement of whether the patient will be able to receive and manage his own OAS warrant for his personal and incidental needs or if payment should be made to a substitute payee, and recommendation for a substitute payee.

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40-163 PUBLIC ASSISTANCE PAYMENTS TO PATIENTS IN STATE HOSPITALS (Continued) 40-163

OAS

- (d) If known, whether patient has costs of upkeep and maintenance of a home and/or support of a spouse, minor children, or disabled relative.
- (e) Clues to any other possible or potential income or property resources the county may need to explore.

One copy of this material will be retained by the SDSW. A case record for the recipient and controls on actions to be taken will be maintained by liaison staff as long as the patient remains a recipient in the hospital. SDSW staff is responsible for sending necessary individual case evaluation reports, in appropriate form for the ongoing program, to the county welfare department.

.325 Use of State Forms

Of necessity, state forms only will be used by SDSW liaison staff. Counties may, if they wish, transfer information on state forms to their own forms but are not to ask liaison staff to complete county forms. A request to liaison staff for additional information would be appropriate only if supplemental investigation by the county reveals a conflict or produces information which it appears can be clarified through additional discussion with the applicant or from the hospital records.

Counties are to complete the investigation without requesting further work by liaison staff.

.326 Date of Application

The application on behalf of the patient is made by SDSW liaison staff sending a copy of the above completed application material with the application-transmittal letter, AG 267, to the county welfare department. The date the material is received by the county department is the date of application. The county will record the application on Form ABCDM 200.

.33 County Welfare Department

Upon receipt of the application from SDSW liaison staff, the county welfare department shall make any supplementary investigation which may be necessary to complete the determination of eligibility. If it is determined the applicant is eligible to an OAS payment to meet all, or a portion, of his personal and incidental needs (see 211, (a), above) the payment is authorized to be made as follows:

.331 Payment Authorized To the Patient

If the patient has no guardian or conservator of his estate, is able to make a valid endorsement on his warrant, and with the assistance of hospital staff manage his own personal and incidental allowance.

.332 Payment Authorized to the Guardian or Conservator of the Person's Estate

Payment is authorized to the guardian or conservator of the person's estate, when such exists.

.333 Payment Authorized to a Substitute Payee

When there is no guardian or conservator and the patient is unable to endorse his warrant and/or manage the personal and incidental allowance in his own best interests. When it is necessary to use a substitute payee for an OAS recipient-patient in a state hospital for the mentally ill and the mentally retarded, the substitute payee will be the chief social worker of the hospital. (See Regulation 44-307.7 regarding Protective Payments to Substitute Payees.)

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(Pursuant to Government Code Section 11380.1)

40-163 PUBLIC ASSISTANCE PAYMENTS TO PATIENTS IN STATE HOSPITALS (Continued) 40-163

OAS

•334 Notification of Aid Status of Patients in State Hospitals

Any change in status requiring notification to the applicant or recipient will be executed in triplicate so that all interested parties will be kept informed of the aid status of the recipient.

Distribution of this information will be as follows:

- (a) Original - To the applicant or recipient (or the person acting for him).
- (b) 1st Copy - To the trust officer of the hospital in which the applicant or recipient is a patient.
- (c) 2nd Copy - To the SDSW liaison staff responsible for working with that hospital.

If OAS is authorized, the applicant is also certified for medical assistance.

If it is determined the applicant is eligible for certification as a medically needy person (see 21, (b), above) he is certified accordingly.

If it is determined the applicant is ineligible to assistance, the application shall be denied.

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Procedure

ENDORSED

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(GOV. CODE 11380.1)

APR 30 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 29, 1968

By: John C. Monty

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 30 1968

At 3:40 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

34005. SPECIAL CIRCUMSTANCES. A license may be issued in exceptional circumstances, at the discretion of SDSW, to a non-profit facility which cannot meet all of the standards set forth in these regulations, upon a determination that the licensing of the facility will:

- a. Improve conditions for children in the neighborhood, and
- b. Provide a needed service that will otherwise not be available, and
- c. Not jeopardize the family relationships, or the emotional development, health or safety of the children.

No license shall be issued to a nonprofit facility that cannot meet all of the standards set forth in these regulations until the SDSW has evidence from the users or potential users endorsing such a facility. If a license is issued pursuant to these exceptional circumstances, the letter accompanying the license shall specify the exceptions from regulations and the license shall bear the statement:

"Licensed under special circumstances pursuant to SDSW Regulation 34005."

This regulation (34005) shall expire on July 1, 1970, unless re-adopted by the Director of SDSW.

Effective 7/1/68

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Office of Administrative Procedure

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APR 30 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 30, 1968

By: John C. McIntyre

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 30 1968

At 3:49 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By: J. P. Allen
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME

44-111

AB Federal and state statutes exclude or exempt certain types of payments or benefits ATD in whole or in part from consideration as income. These exclusions and exemptions OAS vary widely between programs. However, the federal statutes also provide that any AFDC income to an individual which is disregarded in determining his eligibility under the provisions of one categorical aid program (AB, ATD, OAS or AFDC) shall not be taken into consideration in determining the eligibility and/or the amount of assistance paid to a recipient receiving aid under another categorical aid program.

The exclusions and exemptions and the applicable programs are discussed in Sections .1 through .4 below.

.1 General Exemptions - Income from Any Source - Blind Programs

AB .11 The First \$7.50 a month

In addition to all exemptions from income allowed in .2 through .4 of this Section, an exemption of \$7.50 from total income shall be allowed once per month.

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44-113 NET INCOME

44-113

AB
 APSB
 ATD
 OAS

.21 Earnings of Recipients.211 Recipient Has Earnings, Exclusive of Earnings Under Title I or Title II of the Economic Opportunity Act.

This applies to such earnings in excess of \$20 a month in OAS and ATD, \$85 a month in AB, and \$1,500 a year in APSB.

- a. Determine gross income from earnings.
- b. Deduct from such gross income all nonpersonal work expenses such as the cost of tools, materials, special uniforms or other clothing necessary for the job, business expenses or transportation to call on customers.
- c. Deduct the exempt income, i.e., in OAS and ATD the first \$20 of the amount determined in Item b plus one-half of the next \$60; in AB the first \$85 of the amount determined in Item b plus one-half of any amount in excess of \$85; in APSB the first \$1,500 per year plus one-half of any amount in excess of \$1,500.
- d. Deduct personal work expenses such as income withholding taxes, social security taxes, cost of lunches or other meals purchased away from home, transportation to and from the job, laundry and cleaning service necessary for the retention of employment, union dues, etc.
- e. Any remainder is considered nonexempt income applicable to the need of the recipient (except as provided in Section 44-131).

AB
 ATD
 OAS
 AFDC

.212 Recipient Has Earnings in Excess of \$85 a Month Under Title I or Title II of the Economic Opportunity Act and No Other Earnings.

This formula also applies if a member of an AFDC family unit has earnings under Titles I or II of the Economic Opportunity Act; see Section 44-111.

- a. Determine gross income from such earnings.
- b. Deduct from the gross all nonpersonal work expenses attributable to his earnings under the Act. (See .211, b, above.)
- c. From the remainder, deduct the excluded earnings, i.e., the first \$85 and one-half of any excess over \$85. With respect to "Resident-Nonprofessionals" as defined in Section 44-111.322, disregard the first \$85 plus one-half of the next \$65 but only for the first 12 months.
- d. Deduct personal work expenses attributable to such earnings under the Act. (See .211, d, above.)
- e. Any remainder is considered as nonexempt income, applicable to the need of the recipient (except as provided in Section 44-131).

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(Pursuant to Government Code Section 11380.1)

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MAY 1 - 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 1, 1968

By: *John C. Smith*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 2 - 1968

At 12:00 o'clock — M. M.

FRANK M. JORDAN, Secretary of State

By: *W. H. Sullivan*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

41-307 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT 41-307
(Continued).6 Personal Property Limitations - Children's Program

AFDC shall not be granted or paid for an orphan child who has personal property, the total value of which exceeds \$600, nor for any child or children in one family who have or whose parents have or the child or children and parents have, personal property, the combined value of which exceeds \$600.

- .61 Personal property essential to completion of a recipient's approved plan for achieving self-support shall not be considered in determining personal property subject to the \$600 limitation specified in 41-307.6. Such property may include but is not limited to cash reserves, tools and equipment, and motor vehicles of reasonable value used for work or to seek work. (See 41-313.268 and 45-120.)

The case record shall show the basis on which it is determined that personal property is "essential" to completion of the plan for self-support.

45-120 EXEMPT SAVINGS FOR PLAN TO ACHIEVE SELF-SUPPORT

45-120

An applicant or recipient may retain personal property holdings above the \$600 limit if such property is essential to enable a recipient to complete an approved plan for self-support. The need for such property must be clearly stated in the plan. (See 41-307.61)

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FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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42-327 UNEMPLOYMENT OF A PARENT

42-327

AFDC Unemployment of a parent is a basis for deprivation only when no other reason for deprivation exists.

.1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

.11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or

.12 Employed only part-time.

.121 Part-time employment is that which:

- a. Affords less than 173 hours of paid regular work per month; or
- b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 173 hours.

.122 Notwithstanding Section 42-327.121 above, employment at farm labor which affords 173 or more hours of work per month is considered part-time employment for a parent who is normally engaged in irregular, temporary or intermittent farm work, until the parent has worked more than 173 hours in each of three consecutive months.

.2 Deprivation Due to Unemployment of Mother

When the father is employed full time, deprivation due to the unemployment of the mother exists only when the mother has a satisfactory plan for care of the children, has the ability to work and care for the family; and

.21 Has been in the labor market; and/or

.22 Has a valid and workable plan for employment or training for employment.

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42-327 UNEMPLOYMENT OF A PARENT (Continued)

42-327

.3 Deprivation Due to Unemployment Ends

Deprivation due to unemployment ends at the end of the month in which the parent no longer meets the conditions specified in 42-327.1, and:

.31 The parent has worked and received at least one full week's pay before the end of the current month; and

.32 Full time employment

.321 Is expected to continue beyond the end of the next month, or

.322 If the parent is working full time in seasonal farm labor as defined in Section 42-327.122, is expected to continue for at least another two months.

.4 Discontinuance of Unemployed Parent Cases

.41 Aid is discontinued at the end of the month in which deprivation due to unemployment ends.

.42 Aid is discontinued for a family with a parent employed part-time in other than farm work when the family is no longer needy.

.421 An intraprogram status change (See PSS 40-183) shall be made for those families discontinued under this provision who meet the requirements for medical assistance for the medically needy.

.43 Aid is discontinued for a family aided within the provisions of 42-327.122 when the parent fails to work the number of hours considered usual for the type of currently available farm labor, except as the conditions in 42-327.431 are met.

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42-327 UNEMPLOYMENT OF A PARENT (Continued)

42-327

.431 Prior to authorizing discontinuance of aid, the parent shall be notified (in accordance with procedure for notification in regard to withholding of aid payments, see section 44-325.43) of the proposed action and of his right to substantiate that aid should be continued by:

- a. Presenting Form CA-333 showing certification by the Department of Employment that the usual number of ^{hours} of/ was not, in fact, available to him, or
- b. Establishing that good cause within the reasons set forth in 42-407 existed to preclude his working the usual number of hours otherwise available to him.

.5 Readjustment Period

There is no readjustment period. Aid ceases when deprivation due to unemployment ends.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-131 (Cont.)	DETERMINATION OF ELIGIBILITY	Regulations
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40-131 APPLICATION INTERVIEW (Continued)		40-131
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AFDC

application interview must be with such guardian, conservator, or other person and also with the applicant unless the applicant is unable to participate because of his physical or mental condition. The applicant's inability to participate in the interview must be verified by the county through personal contact with the applicant. Such personal contact is required before aid is authorized.

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent:

- .31 The eligibility requirements. This includes the eligibility requirements for a cash grant or for certification as a medically needy person.
- .32 The purpose and provisions of appropriate public social service programs. (See Services regulations.)
- .33 The applicant's responsibility for reporting all facts material to a correct determination of eligibility and grant.
- .34 The joint responsibility which the county and the applicant have for exploring all the facts concerning eligibility, needs and income, and the applicant's responsibility for presenting records or documents in his possession to support his statements.

This includes the responsibility of applicants and recipients to secure statements of their earnings and deductions from their employers and to report both to the county.
- .35 The confidential nature of all information given.
- .36 The kinds of verification needed to establish eligibility.
- .37 The fact that the investigation will be undertaken with the full knowledge and consent of the applicant.
- .38 The applicant's responsibility for notifying the county immediately of all changes in circumstances.
- .39 The availability of appropriate services and resources within the agency.
- .40 The availability of assistance or service under some other program either public or private if the needed assistance or service cannot be met by the county department.
- .41 The right to request a fair hearing in relation to any action or inaction of the county, including a verbal explanation in a manner and language which the applicant understands of the nature of the fair hearing process.
- .42 In AFDC - The responsibility of the parent for his children.
- .43 In AB, APSB, and ATD - The role of the county and the role of the SDSW in the eligibility determination process.

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 (Pursuant to Government Code Section 11380.1)

40-189 (Cont.)

DETERMINATION OF ELIGIBILITY

Regulations

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued)

40-189

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- .121 The recipient who is maintaining a living place (or the AFDC child for whom a home is being maintained) in some county other than that in which he is physically present and who plans to return to that living place within four months is considered to "make his home" in the county in which such living place or home is maintained.

The four month ^{period} starts to run from the date the county paying aid determines that the recipient is "maintaining a home" in some county other than that in which he is physically present. If the recipient fails to return to that home within the four-month period, he is considered to have moved to the county in which he is physically present to "make his home."

In AFDC, for the recipient farm labor family which goes to another county to work, the four-months' limitation does not apply when a home base is maintained to which the family will return when not working. The county paying aid and in which the home base is located continues to be responsible until the family establishes a home base in another county.

- .122 In AFDC a child living in a boarding home or institution as a result of placement by a public or private agency of another county as provided in Section 40-125.82 is considered to "make his home" in the county in which the placement agency is located.
- .123 The recipient who is in a state hospital or is on leave of absence from a state hospital is considered to "make his home" in the county from which he was admitted to the hospital. He is considered to "make his home" in another county only if he is discharged from the state hospital and remains in or moves to a county other than the county from which he was admitted.
- .124 The recipient who has to go to a county other than that in which he has been living, solely because needed care in a medical facility is not otherwise reasonably available to him, is considered to "make his home," in the county in which he last maintained a living arrangement outside a medical facility. It is considered that he removes to another county to "make his home" when:
- a. He resumes a living arrangement outside a medical facility in a county other than the county which has been responsible for the aid payment, or
 - b. He voluntarily moves to a medical facility in another county even though adequate medical facilities are, by that time, reasonably available in the county which has been responsible for the aid payment.
- .125 The county in which a recipient "makes his home" is not changed during any absence from the state provided residence outside the state is not established.

CALIFORNIA-SDSW-PSS

Rev. replaces Issue 43

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

42-405 RESPONSIBILITIES OF PARENTS IN REGARD TO EMPLOYMENT

42-405

AFDC Eligibility for aid is conditioned upon the parents, described in 42-401 above, who have been determined as ready for the labor market, taking the following actions in relation to employment.

- .1 Consistently attempting to secure employment through such sources as newspapers or other advertising media, friends, former employers, unions and employment agencies.
- .2 Registering with the California State Employment Service and Farm Labor Office, when indicated, at the time of application for aid and keeping the registration current while in receipt of aid.
- .3 Accepting all bona fide offers of employment unless there is good cause for refusal as described below. A bona fide offer of employment is a verified offer to a particular parent of a specific job at a stated wage, regardless of his customary work.
- .4 Working as many hours as the job requires.

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION

44-103

.1 County Responsibility

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.11 The county is responsible for:

- .111 Reviewing, with the applicant or recipient, all his resources, in light of their income producing potentials.
- .112 Encouraging the production of income within the applicant or recipient's capabilities.
- .113 Determining whether income is actually received and, if so, the regularity of receipt, the net amount, the applicant or recipient's share, and whether it is excluded or exempt, in whole or in part, from consideration as income. (See Section 44-111.)
- .114 Informing recipients of the dates by which reports must be made on the amount of income received in the month.

.12 Resources with income producing potentials include:

- .121 Social Insurance, i.e., OASDI, Railroad Retirement, Unemployment Insurance, Disability Insurance, etc.
- .122 Benefits available to veterans, servicemen and their dependents.
- .123 Rights and interests in real and personal property.
- .124 In OAS and AFDC responsible relatives who may be contributing or have a legal liability to contribute.
- .125 Other persons who may be contributing.
- .126 Recipient's own capacity for self help and employment.
- .127 Private pension plans, union welfare funds, life insurance disability benefits, other forms of assistance, etc.

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FOR FILING ADMINISTRATIVE REGULATIONS
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44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION (Continued) 44-103

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.2 Applicant and Recipient Responsibility

The applicant or recipient including the person responsible for a child in AFDC is responsible for giving information necessary to income determinations and for taking all actions necessary to obtain unconditionally available income. Income shall be considered unconditionally available if the applicant or recipient has only to claim or accept the income, e.g., relative's offer of a contribution, or OASDI. Ineligibility results if an applicant or recipient refuses to accept such income.

The applicant or recipient who would be disadvantaged by receipt of Special Age 72 OASDI Benefits, because he would lose his public assistance cash grant and certain medical benefits, is not ineligible to a public assistance cash grant if he refuses to apply for and accept such benefits.

.3 Evidence Required

- .31 Evidence is required which establishes the gross and net amount of income received, the time and frequency of receipt, and whether it is separate or community income. Documents and records in the recipient's possession constitute adequate sources of evidence in the absence of conflicts.

Such documents and records including the employers' statement of earnings shall be returned promptly to the applicant or recipient.

- .32 When the recipient appears eligible for retirement or disability benefits of any kind, evidence is required that he has taken all necessary action to claim benefits. Where verification through OASDI Bureau or the Railroad Retirement Board is necessary, the procedure is to be that agreed upon with that agency. (See Records, Forms and Controls Chapter, SSA 1610.)

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44-279 NEEDS OF ADULTS OR TEENAGERS WITH POTENTIALS FOR SELF-SUPPORT (Cont.) 44-279

AFDC

- .214 The cost of child care necessary to permit a parent's participation in the program.
- .215 Any other costs attributable to the assignment (see Section 44-113.233 for possible expenses).
- .22 For persons engaged in individual educational or training plans, the same items included in 44-279.21 above are to be considered and allowed when appropriate. In addition, the cost of tuition shall be allowed when needed.
- .23 For persons engaged in a plan for rehabilitation, the cost of medical treatment or appliances not otherwise available shall be included.

44-281 MEDICAL NEEDS - GENERAL

44-281

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The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

1. A cash grant payment is made; or
2. The cash grant payment is withheld only because of a question concerning the amount of aid to which he is eligible (see Section 44-325.4); and/or
3. The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a.), or

AFDC.4 In AFDC, aid is discontinued for a family in which the parent is employed part-time but is no longer in need (see 42-327.42); or

- .5 In AFDC, the authorized grant is reduced to zero because earnings at farm labor meet current needs (see 44-325.2.)

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC .512 Alternate Methods for Computing Payments

The aid payment is to be computed according to whichever of the following basic methods the county selects. The method selected shall apply to all family cases

- a. Concurrent Payment and Budget Periods - Grant for a particular month based only on income received and needs existing in that month.

Any deficiency in a previous month between total need and the sum of the aid payment and the income is not to be carried forward and allowed as a need in a subsequent month.

- b. Budget Planning with Subsequent Payment - Grant for a particular month based on income received and needs existing and reported before the end of a prior budget planning period. If unforeseen changes in need or income occur, supplemental payment may be made if necessary to protect the child's welfare or local public funds.

The budget planning period may be:

- (1) The month immediately prior to the month of payment; or
- (2) Another monthly period ending in the month immediately prior to the month of payment. The warrant shall be mailed no later than 15 calendar days following the end of the budget planning period.

- c. Budget Averaging with Subsequent Payment - For a family with a parent currently employed 173 or more hours per month in seasonal farm labor (see Section 42-327.122), and which is ex-

pected to continue at this level through the next month, budget plans may be made for payment in one lump sum in the third month for the two preceding months. The payment shall be twice the amount of the monthly average of the grant to which eligible. The warrant shall be mailed no later than 15 calendar days following the end of the two-month budget period.

Upon determining for any reason that the parent is not or will not be currently employed 173 or more hours in the month, use of the budget averaging method shall be terminated at the end of that month and payment shall be continued on the basis of either method a. or b. above.

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44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

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.2 Change in Income or Need.21 Change and Amount Known in Advance

If a change in income or need, including the amount, is known in advance, any necessary change in the amount of payment is made effective with the month in which the changed circumstances will occur.

AFDC .22 Change Known in Advance But Amount Not Known.221 Concurrent Payment and Budget Periods

When it is known that income will start in the next month but the exact amount is not known, or when income is variable in amount, an estimate of the expected income shall be made, on the basis of available information, for the purpose of determining the next current month aid payment. If the estimate indicates ineligibility for any grant, aid may be withheld pending verification of actual income (see Section .421 below). If the estimated income proves to be incorrect when actual income is reported, corrective action is taken to adjust the payment within the limitations of Sections 44-331 and ~~44~~335.

For farm laborers, if the estimated income will meet the family's total need, aid for the next month is reduced to a zero grant. If income meets need in succeeding months, the zero grant continues until the conditions in Section 42-327 are met.

.222 Budget Planning Period with Subsequent Payment Period

Actual income received in the Planning Period is reported and reflected in the subsequent payment. For farm laborers if the income meets need, the grant is reduced to zero. If income meets need in succeeding months, the zero grant continues until the conditions in Section 42-327 are met.

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Regulations INTRA- AND INTERAGENCY RELATIONS AND AGREEMENTS 29-081

CHAPTER 29-080 RELEASE OF AND SECURING INFORMATION FROM DEPARTMENT OF INDUSTRIAL RELATIONS

AFDC 29-081 DEPARTMENT OF INDUSTRIAL RELATIONS REQUESTS FOR CLARIFICATION 29-081
 OF CONFLICTING WAGE INFORMATION OF FARM LABORERS

Employers and contractors of agricultural workers are required to keep accurate records available at all times for inspection by representatives of the Department of Industrial Relations (Labor Code Section 1175 and Industrial Welfare Commission Order No. 14-61; Labor Codes 92 and 1696.5). The records must contain information for each individual employed including name, address, social security number, time of reporting, hours worked, gross pay, and itemized deductions. The employer or contractor is required to give the worker a written statement of earnings showing gross earnings, the pay period covered, itemized deductions and net pay.

Farm laborers who are recipients of AFDC are expected to report earnings to the county and to make wage statements available when requested. If an AFDC recipient employed at farm labor reports nonreceipt of statements of earnings or if there is disagreement between a recipient and his employer regarding the amount of earnings or amount of deductions, the pertinent facts of the case shall be reported by the county welfare department to the appropriate local office of the Department of Industrial Relations, with a request for a report. For men, 18 and over, requests should be addressed to the Division of Labor Law Enforcement. For women and minors under 18, requests should be addressed to the Division of Industrial Welfare.

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The following regulations are repealed effective June 1, 1968:

Department Bulletin 644 (AFDC) (Revised), Part-Time Employment -
 Farm Labor

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FACE SHEET
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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: MAY 17 1968

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 20 1968

At 3:35 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By:

Assistant Secretary of State

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23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED

23-401

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AFDC

A required form is a state form not subject to change except by SDSW. Forms may be purchased directly from SDSW or may be reproduced by the county without change at its own expense.

.1 Standardization of Forms

Reasons for requiring a standardized form, with no variation, include:

- .11 The law requires a standardized form.
- .12 More than one county or agency is involved.
- .13 There has been serious legislative concern about the form.
- .14 Uniformity is necessary in gathering and reporting statistical data.
- .15 The Federal Government requires a standard form.

- .2 The following forms, completed in accord with instructions for their use are required and no substitutions are permitted except as provided in 23-401.3 (see Appendix 2, PSS Manual).

ABCDM 200 Application for Public Social Service

ABCD 215 Notification of Transfer

SSA 1610 Request for Information by State Public Agency

DPA 6 State Department of Social Welfare Appeal as to Responsibility for Support

10-611 Application for Search of Federal Census Records

AB
ATD ABD 235 Certification from State Department of Mental Hygiene of Applicant's Release from State Hospital

AB BL 201 Applicant's Affirmation of Eligibility for Aid to the Blind

BL 227 Physician's Report of Eye Examination

BL 227A Optometrist's Report of Eye Examination

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23-401 REQUIRED FORMS - NO. SUBSTITUTES PERMITTED (Continued)

23-401

<u>ATD</u>	DA 201	Applicant's Affirmation of Eligibility for ATD
	DA 1	Medical Report
	DA 1A	Psychiatric Report
	DA 1B	Determination of Onset of Disability - Medical Report
	DA 2	Social Information Report
	DA 2B	Determination of Onset of Disability Report
	DA 3	Certificate of Disability
<u>OAS</u>	AG 201	Declaration of Eligibility for OAS
	AG 201A	Instruction Sheet for OAS Applicants
	AG 201B	Instruction Sheet for OAS Recipients
	AG 224	Preliminary Statement of Responsible Relative Under OAS Law
	AG 225	Statement of Responsible Relative Under Old Age Security Law
<u>AFDC</u>	CA 200(BHI)*	Application for AFDC - Boarding Homes or Institution
	CA 201	Affirmation of Eligibility for AFDC
	CA 290	Financial Statement of Absent Parent
	CA 330	Referral to Department of Employment
	CA 331	Notice of County Welfare Actions
	CA 333	Report to County Welfare Department
	SSA 1472	Request for Public Assistance Agency

In addition to the above required forms relating primarily to social services operations, there are required forms contained in other SDSW manuals and regulations.

**Interpretation - Form CA 200 (BHI) provides space for listing the names of children in foster care and may be used in lieu of ABCDM 200.*

.3 Use of Experimental Required Forms

When the department determines that a substantive change in a required form is needed, it may prescribe use by one or more selected counties of an experimental form in lieu of the required state form.

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41-111 EVIDENCE OF AGE

41-111

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- .1 When evidence of age is required (see Section 41-109) any record, document or written statement, showing the birth date or the age of the applicant at a given date is admissible as evidence.

40-165 ANNUAL REDETERMINATION OF ELIGIBILITY FOR RECIPIENTS IN STATE HOSPITALS

40-165

OAS The SDSW state hospital liaison staff will assist the county welfare departments in fulfilling their ongoing responsibility for an annual redetermination of continuing eligibility of such patient-recipients as appropriate.

.1 Recipient is Able to Participate

.11 County Responsibility

At least eight weeks before the anniversary due date the county responsible for the aid payment initiates the required annual redetermination of eligibility for OAS or for Medi-Cal by a request to SDSW liaison staff in the state hospital to:

.111 Interview the patient, and

.112 Assist the patient as necessary in completing the redetermination of eligibility documents (Form AG 201 in OAS).

.12 The County Request

The county request should include:

.121 A brief summary of pertinent information concerning income and property holdings upon which initial eligibility determination and any subsequent changes were made.

.122 A statement regarding any special areas of concern about which information from hospital records, hospital staff or from the patient is needed.

.123 The anniversary due date for the annual redetermination.

.13 SDSW Liaison Staff Responsibility

SDSW liaison staff in the hospital will interview the patient and assist him as needed, in completing redetermination of eligibility documents. Liaison staff will also interview, as needed, appropriate staff in the hospital, will complete his part in the redetermination process and forward the completed material to the responsible county as rapidly as possible.

.14 County Action

The responsible county will then take whatever action is necessary to complete the redetermination of eligibility.

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40-165 ANNUAL REDETERMINATION OF ELIGIBILITY FOR RECIPIENTS IN
STATE HOSPITALS (Continued)

40-165

OAS | .2 Recipient is Unable to Participate

.21 SDSW Liaison Staff or Hospital Staff Act for Patient

Procedures for initiating and completing the redetermination of eligibility under these circumstances are basically the same as those set forth in .1 except that the redetermination of eligibility documents will be completed by the SDSW liaison staff or other hospital staff acting as representative for the patient and the patient will participate in the process only to the extent that he is capable of doing so.

.22 Guardian, Conservator or Other Representative Outside Hospital Act for the Patient

.221 Patient's Representative Lives in the County Responsible for the Aid Payment

- (a) The county responsible for the aid payment contacts the patient's representative directly and initiates the redetermination of eligibility in the usual manner.
- (b) The responsible county notifies the SDSW liaison staff in the hospital of the initiation of the redetermination of eligibility and requests any information which is needed from hospital staff or hospital records.
- (c) SDSW liaison staff determines the continuing status of the patient in the hospital and any pertinent information concerning probable changes in status which may be anticipated in the immediate future. This information is reported immediately to the responsible county which then completes the redetermination of eligibility.

.222 Patient's Representative Lives in the County Where the Patient is Hospitalized but Outside the County Responsible for the Aid Payment

Procedures for initiating and completing the redetermination of eligibility are basically the same as those set forth in .1 except that SDSW liaison staff will provide assistance, as needed, in interviewing the patient's representative and securing the redetermination of eligibility documents.

.223 Patient's Representative Lives in a County Which is Neither the Responsible County nor the County in Which the Patient is Hospitalized

The procedures for initiating and completing the redetermination of eligibility are basically the same as those set forth in .22, except that the responsible county may request the assistance of the county welfare department in the county where the representative lives, in interviewing the representative and securing the redetermination of eligibility documents.

OAS | .3 Use of State Forms

SDSW liaison staff who, at the request of the responsible county, are completing or assisting in the completion of redetermination of eligibility documents will use only prescribed state forms.

Effective 7/1/68

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**F FILING ADMINISTRATIVE REGULA NS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)**

RECEIVED FOR FILING

MAY 20 1968

Office of Administrative Procedure

ENDORSEDAPPROVED FOR FILING
(GOV. CODE 11380.1)

MAY 20 1968

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: MAY 17 1968

By: *John C. M. L.*

Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California

MAY 20 1968

3:35 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

23-361 COUNTY RESPONSIBILITY FOR CONTROL FILES

23-361

AB
ATD
OAS
AFDC

The county is also responsible for maintaining necessary control files to insure that required actions are taken when due. These include:

- a. Pending applications, reapplications, and requests for restoration
- b. Reinvestigation of eligibility
- c. Determination of Degree of Blindness
- d. Determination of Disability
- e. Transfer to or from another county
- f. Anticipated changes in need, income, efforts toward self-support or other eligibility factors
- g. Collection Activity (See Fiscal Manual)
- h. Service cases and activities

AFDC i. Birth, 7, 13, 16, 18 and 21st birthdays

Effective 3/1/68
Recodified 3/1/68

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(Pursuant to Government Code Section 11380.1)

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MAY 20 1968

Office of Administrative Procedure

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(GOV. CODE 11380.1)

MAY 20 1968

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STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 17, 1968

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 20 1968

At 3:35 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: 
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

070-00 DEFINITIONS (Continued)

070-00

14. EXAMINING AGENCY--the State Personnel Board (or any duly authorized employee of the State Personnel Board) or other public personnel agency, selected by the SSWB, to conduct the merit system examinations.
15. EXEMPT POSITION--a position herein designated as a position exempted from the application of this rule.
16. LAY-OFF--termination of employment of an employee without prejudice, because of lack of funds or work, because of natural changes of duties or organization, or in order to permit reinstatement of employee upon his release from period of military service in the armed forces of the U. S.
17. LIMITED TERM APPOINTMENT--an appointment from an eligible list to a position which is established for a limited period not to exceed one day less than the probationary period.
18. LIMITED TERM EMPLOYEE--an employee who holds a position under limited term appointment.
19. MINIMUM QUALIFICATIONS--the qualifications of education and experience, and other qualifications to be measured by written examination or by written examinations and qualification appraisal interviews, as prescribed for a given class in the agencies' classification plan.
20. PERMANENT EMPLOYEE--an employee who has permanent status.
21. PERMANENT STATUS--the status of an employee who is lawfully retained in his position after the completion of the probationary period provided in these rules.
22. PERSONNEL OFFICER--the Departmental Personnel Officer of the SDSW. Duties of this officer are described in Section 070-35, Personnel Officer.
23. POSITION--any office or employment in the classified service (whether part-time or full-time, temporary or permanent, occupied or vacant), calling for the performance of certain duties by an "employee" as defined by Definition 12.
24. PROBATIONARY PERIOD--refer to definition in Welfare Personnel Standards Section P-5.
25. PROBATIONARY STATUS--the status of an employee who has been certified and appointed from an eligible list or a promotional eligible list but who has not completed the probationary period.

Effective 7/1/68

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATION...
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Organization and
Administration

WELFARE PERSONNEL STANDARDS

071-06 (Cont.)

071-06 MERIT SYSTEM SALARY PLAN STANDARDS - (CONTINUED)

071-06

California County Merit System Salary Plan

EXECUTIVE	SOCIAL SERVICES	SPECIAL SERVICES					SALARY	
		Day Care	Staff Develop.	Financial Adjustment	Community Relations	Misc.	Range	Steps
CWD V						Med. Consult.	42	1812-2208
							41.5	1768-2154
							41	1725-2101
							40.5	1683-2050
							40	1642-2000
							39.5	1603-1951
							39	1564-1903
							38.5	1527-1857
							38	1490-1812
							37.5	1454-1768
CWD IV							37	1419-1725
							36.5	1385-1683
							36	1351-1642
							35.5	1318-1603
							35	1286-1564
							34.5	1255-1527
							34	1225-1490
							33.5	1196-1454
							33	1166-1419
							32.5	1139-1385
ACWD							32	1111-1351
							31.5	1084-1318
							31	1058-1286
							30.5	1033-1255
							30	1008-1225
							29.5	983-1196
							29	960-1166
							28.5	936-1139
							28	914-1111
							27.5	891-1084
CWD III	DSSD II	SSS IV					27	870-1058
	SSS III						26.5	849-1033
	SSS II		SDS II			SS Pl. Supv.	26	829-1008
							25.5	810-983
	DSSD I		DCG Dir.	SDS I		Ed. Res. Coord.	25	790-960
	SSP II					Com. Wk. Tr. Cr.	24.5	771-936
							24	753-914
	SSS I	SSP I					23.5	735-891
							23	717-870
							22.5	700-849
CWD II			DCG Supv.		Fin. Res. Supv.	Emp. Cons. II	22	683-829
					Supv. Invest.	MC Supv.	21.5	666-810
	SSW III						21	650-790
							20.5	634-771
						Emp. Cons. I	20	619-753
			DCG Worker				19.5	605-735
	SSW II				Investigator	Supv. Vol. Svcs	19	590-717
						MC Asst.	18.5	576-700
	SSW I						18	562-683
						Com. Rel. Wkr.	17.5	548-660
CWD I							17	536-650
							16.5	523-634
							16	510-619
							15.5	498-600
					Prop. Invest.	Supp. Pay. Ad.	15	486-590
						Elig. Wkr. II	14.5	474-576
							14	463-562
							13.5	450-548
							13	440-536
						Elig. Wkr. I	12.5	429-553
			DCG Aide				12	419-510
							11.5	408-491
							11	399-486
							10.5	389-474
							10	380-463
							9.5	371-450
			DCG Hskr.		Wel. Svc. Aide	Homemaker	9	362-440
			NDC Parent				8.5	353-430
							8	345-419
							7.5	337-400
							7	329-399
							6.5	321-380
							6	313-380

CALIFORNIA-SDSW-MANUAL- MSR

Rev.

replaces Rev. 231

Effective 7/1/68

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

071-06 (Cont.)

WELFARE PERSONNEL STANDARDS

Organization and Administration

071-06 MERIT SYSTEM SALARY PLAN STANDARDS - (CONTINUED)

071-06

California County Merit System Salary Plan

DO NOT WRITE IN THIS SPACE

ADMINISTRATIVE, FISCAL AND ALLIED			CLERICAL AND ALLIED					SALARY	
Fiscal	Admin. Services	Program and Systems	Clerk III & Supervisors		Clerk II	Clerk I	Allied	Range	Steps
								36.5	
								36	1351-1642
								35.5	1318-1603
								35	1286-1564
								34.5	1255-1527
								34	1225-1490
								33.5	1196-1454
								33	1166-1419
								32.5	1139-1385
								32	1111-1351
								31.5	1084-1318
								31	1058-1286
								30.5	1033-1255
								30	1008-1225
								29.5	983-1196
								29	960-1166
								28.5	936-1139
								28	914-1111
								27.5	891-1084
	ASO II							27	870-1058
								26.5	849-1033
		Supv.Prog.						26	829-1008
								25.5	810- 983
								25	790- 960
								24.5	771- 936
								24	753- 914
								23.5	
								23	717- 870
Ch.Fis.Offer.		Prog. II S&P Analyst Prog.Asst.Welf.Analyst						22.5	700- 849
								22	683- 829
	ASO I							21.5	666- 810
Acct. II		Prog. I						21	650- 790
Ch.Fis.Supv.								20.5	634- 771
								20	619- 753
			SC II-Bud.					19.5	605- 535
								19	590- 717
Acct. I		Prog. Trainee	SC II-Gen.					18.5	576- 700
								18	562- 683
							Ad.Eq.Op.II	17.5	548- 666
								17	536- 650
								16.5	523- 634
								16	510- 619
								15.5	498- 605
							Secretary	15	486- 590
								14.5	474- 576
								14	463- 562
								13.5	450- 548
								13	440- 536
			CL III-B&A					12.5	429- 523
			CL III-Typ.					12	419- 510
								11.5	408- 498
								11	399- 486
	Student							10.5	389- 474
Adm.Asst	Adm.Asst						CL II-Steno	10	380- 463
								9.5	371- 450
								9	362- 440
								8.5	353- 429
								8	345- 419
								7.5	337- 408
								7	329- 399
								6.5	321- 389
								6	313- 380
								5.5	306- 371
								5	298- 362
								4.5	291- 353
								4	284- 345
								3.5	278- 337
								3	271- 329
								2.5	260- 321
								2	248- 313
								1.5	242- 306
								1	236- 298

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.3)

072-05 RATING EXAMINATIONS

072-05

The examining agency shall determine the results of each applicant's examination in accordance with the weights for the several parts established by the examining agency in conformity with these rules and as set forth in the examination announcement. All applicants in the same examination shall be accorded equal treatment in all phases of the examination procedure except that applicants who are eligible for veterans' preference shall be given additional credit in open competitive examinations in the manner outlined in Section 072-06.

The examining agency shall utilize appropriate scientific techniques and procedures in rating results of examinations and in determining final scores of competitors. The examining agency shall give due regard to the number of candidates and to the number of vacancies which may reasonably be expected to occur during the life of the eligible list.

072-06 VETERANS PREFERENCE IN EXAMINATIONS

072-06

On open competitive examinations only, five additional points shall be added to the final passing scores of all veterans determined eligible for veterans preference points by the State Department of Veterans Affairs.

For the purposes of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

Proof of eligibility for veterans preference shall be submitted prior to the date of the examination directly to the State Department of Veterans Affairs as prescribed by that department.

074-35 LIMITED TERM APPOINTMENTS

074-35

If an employee is needed for a temporary period, a certification shall be made by the examining agency of names of those eligibles, in the order of their places on an appropriate employment list, who have indicated willingness to accept limited term employment.

Certification shall be made in manner set forth in Section 073-60, Certification of Names. Appointments shall be made in same manner as prescribed for probationary appointments. Duration of a limited term appointment shall be limited to a period not to exceed one day less than 12 months. Acceptance or refusal of an appointment shall not affect an eligible's standing on an eligible list for permanent employment.

Successive limited term appointments to same position shall not be made nor shall an employee receive continued limited term appointments. Expiration of a limited term appointment shall be reported to SDSW by appointing authority on the appropriate personnel document.

A permanent or probationary employee who has accepted a limited term appointment in a higher class shall, if he so desires, at the termination of the limited term appointment be reinstated in his former position, in accordance with Section 076-20, Reinstatement to Previous Class of Position.

Effective 7/1/68

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

074-50 NATURE, PURPOSE AND DURATION OF PROBATIONARY PERIOD

074-50

1. The probationary period shall be an essential part of the examination process. Refer to Welfare Personnel Standards Section P-390 regarding attainment of permanent status and reasons for rejection during probationary period.
2. Each appointment to a permanent position from an eligible list shall include as a condition of appointment a six-month probationary period, except that the length of the probationary period may be one year when county rules so provide for all other county employees.
3. Provisional or limited term employment may be credited as part of the probationary period when such employment is succeeded by probationary appointment and provision is made for evaluation of provisional or limited term performance on the same basis as probationary performance.
4. An employee in a permanent position who is working less than a normal work week shall remain in probationary status up to the annual hourly equivalent of the normal work week.
5. If an employee who resigned or was laid off due to a reduction in force during his probationary period is later reemployed by the same county in the same class, only the balance of the required probationary period must be completed.
6. If the name of an employee released during his probationary period is restored to the eligible list from which he was originally certified, he shall be required to serve a complete new probationary period if subsequently appointed from that list.
7. If an employee is transferred in or reinstated after resignation to the same class in which he previously held permanent status, either in the same or another agency covered by these regulations, he shall serve a new probationary period unless the appointing authority reports to the State Department of Social Welfare in writing that such new probationary period has been waived.

Effective 7/1/68

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

074-75 RELEASE DURING PROBATIONARY PERIOD

074-75

At any time during a probationary period an employee may be separated from the service without right of appeal or hearing, but reasons given for the release shall be submitted in writing to SDSW. A copy of the reasons for release shall be delivered to employee before separation may be finally effective, and a copy shall be filed with examining agency for permanent record.

The SDSW, after consultation with appointing authority, may restore the name of a probationary appointee, whose services have been terminated, to eligible list from which he was certified but examining agency shall not in the future certify the name of such person to the same appointing authority from the same eligible list.

078-00 SERVICE RATINGS

'078-00

The SDSW in consultation with appointing authorities shall establish and make effective a system of service ratings designed to give a fair evaluation of quality and quantity of work performed in agencies. In so far as practicable, systems of service ratings in agencies shall be uniform. Such ratings shall be prepared and recorded for all permanent employees once a year and for probationary employees once every three months and before end of last month of probationary period. Service ratings shall be considered in determining salary advancements and in making promotions, demotions, dismissals, and in determining order of separations due to reduction of force. An employee shall be notified of his service rating in writing or by receiving from the County Welfare Director a completed copy of the report of performance.

It shall be duty of the appointing authority during the probationary period of each employee to investigate thoroughly his conduct, capacity, moral responsibility, and integrity to determine whether the employee is fully qualified for permanent status.

Appointing authorities may use either the Performance Report forms and guide material prepared by SDSW or county performance and evaluation forms.

Only reports of performance showing an overall rating of "Outstanding" or "Unsatisfactory" shall be forwarded to SDSW.

Effective 7/1/68

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

The following regulation is repealed effective 7/1/68:

074-60 Conditions Preliminary to Permanent Appointment

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

P-820.9 - P-857.9 CLASSIFICATION AND SALARY TABLES Regulations

TABLE III-A

Statewide Salary Standards for Social Service Classes
Primarily Used by County Welfare Departments

WPS	Class Titles	Entrance Salary Standard for 1968-69 Fiscal Year
P-857.9	Social Service Supervisor IV	\$1010
P-856.9	Social Service Supervisor III	915
P-853.9	Social Service Supervisor II	870
P-840.9	Social Service Pract. II	810
P-836.9	Social Service Pract. I	755
P-850.9	Social Service Supervisor I	740
P-833.9	Social Service Worker III	660
P-830.9	Social Service Worker II	605
P-820.9	Social Service Worker I	570

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CALIFORNIA-SDSW-MANUAL-WPS Rev. replaces Rev. 23 Effective 7/1/68

FACE SHEET
FILING ADMINISTRATIVE REGULATION WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
MAY 22 1968
Office of Administrative Procedure

ENDORSED
APPROVED FOR FILING
(GOV. CODE 11380.1)
MAY 22 1968
Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
(Agency)
Dated: May 22, 1968
By: *John C. McLaughlin*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
MAY 23 1968
At 12:50 o'clock P.M.
FRANK M. JOHNSON, Secretary of State
By: *W. J. Sullivan*
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

In the Matter of the Summer)
Youth Opportunity Program) ORDER

I

Federal and State administrations are emphasizing the responsibility of both public and private sectors in providing summer jobs for youth. In California the estimate is that more than 400,000 young adults, 16 through 21 years of age, will be looking for work this summer. The State Department of Social Welfare and county welfare departments are concerned that the youth of Aid to Families with Dependent Children participate as fully as possible in the statewide summer job opportunity program. County welfare departments who can coordinate with local campaigns for summer employment will do so and will meet the project criteria in order to participate.

II

The objectives of this program include: Offering an authentic work experience for youth from disadvantaged areas; providing needed income for school clothes, supplies, expenses, etc.; teaching youth the necessity and value of good work habits and a positive attitude toward work; encouraging youth to complete high school or vocational training in order to qualify for career opportunities; and giving these young adults the experience of earning money by their own toil.

III

In order to conduct and administer the project, it is necessary to waive the enforcement of certain laws and regulations governing the public assistance program of Aid to Families with Dependent Children for the period June 15 through September 15, 1968.

IV

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following statutes and regulations effective June 15, 1968, but only in the manner and to the degree required by the nature of the project.

STATUTES WELFARE AND INSTITUTIONS CODE

11266 This statute which states "For the purposes of this chapter, 50 percent of the earnings of a needy child under the age of 18 years shall not be considered as income to the family unit in determining the amount of assistance to be granted to the family unit" is modified to permit the exemption of 100 percent earnings in such consideration.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

MANUAL OF POLICIES AND PROCEDURES - PUBLIC SOCIAL SERVICES REGULATIONS

44-111 Payments Excluded or Exempt from Consideration as Income

- .23 Within the criteria of the project, this regulation is modified to allow the exemption of 100 percent of earned income of children under 18 years in determining the amount of assistance to be granted to the family unit.
- .32 This regulation is modified to allow the exemption of 100 percent of earned income of children under 18 years, under Titles I or II of the Federal Economic Opportunity Act of 1964.

John C. Montgomery
Director

Date: May 22, 1968

Effective June 15, 1968

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

LEGAL NOTICE

PROPOSED SUMMER YOUTH OPPORTUNITY PROJECT

With approval of the U.S. Department of Health, Education and Welfare already received under the provisions of Section 1115 of the Social Security Act, the Department of Social Welfare in cooperation with several counties, will carry on a project for the period of June 15 through September 15, 1968, to permit the youth of Aid to Families with Dependent Children families to participate as fully as possible in the statewide job opportunity program.

The objectives of this project include: Offering an authentic work experience for youth from disadvantaged areas; providing needed income for school clothes, supplies, expenses, etc.; teaching youth the necessity and value of good work habits and a positive attitude toward work; encouraging youth to complete high school or vocational training in order to qualify for career opportunities; and giving these young adults the experience of earning money by their own toil.

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code the following statutes and regulations are modified:

Statutes - Welfare and Institutions Code Section 11266

Manual of Policies and Procedures - Public Social Services Regulations
44-111, .23 and .32.

John C. Montgomery, Director
State Department of Social Welfare

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**I FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING**MAY 24 1968****Office of Administrative Procedure****ENDORSED**APPROVED FOR FILING
(GOV. CODE 11380.2)**MAY 24 1968****Office of Administrative Procedure**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 23, 1968By: John C. M. L.Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California**MAY 24 1968**At 3:45 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By W. P. Sullivan
Assistant Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

45-157 SERVICES TO CHILDREN IN FOSTER CARE AND THEIR PARENTS WHEN 45-157
A CHILD HAS BEEN REMOVED FROM HIS HOME BY COURT DETERMINATION

AFDC | .1 Criteria for Federal Participation

Federal participation in the cost of foster care payments is available for children in foster care when the following conditions are met:

- .11 The child is removed from his home or the home of a relative (see 44-213) after April 30, 1961, by court order because of neglect or unsatisfactory home conditions; and
- .12 In the month during which the court proceedings are initiated:
 - .121 The child is receiving AFDC, or
 - .122 The child received AFDC during at least one of the six months preceding his removal from the home by court order, or
 - .123 The child would have received AFDC during at least one of the six months preceding his removal from the home had application for AFDC been made; and
- .13 The court order designates the county welfare department responsible for the placement, care and supervision of the child or, if there is a written agreement between the county welfare department and the probation office (as provided by Department Bulletin 630) that these services will be performed by the probation office, the court order designates the probation office responsible for placement, care and supervision; and
- .14 The child is placed in a foster care home or private children's institution that is licensed or approved as meeting licensing standards; and
- .15 There is a plan for the eventual return of the child to his home or placement in the home of a relative.

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CALIFORNIA-SDSW-MANUAL-PSS Rev. replaces Issue 365 Effective 1/1/68

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

45-157 (Cont.)

SERVICES

Regulations

45-157 SERVICES TO CHILDREN IN FOSTER CARE AND THEIR PARENTS WHEN
A CHILD HAS BEEN REMOVED FROM HIS HOME BY COURT
DETERMINATION (Continued)

45-157

AFDC | .2 Determination of Eligibility for AFDC for Prior Periods

Eligibility for AFDC under 45-157.122 and 45-157.123 for a prior period shall be determined on the basis of eligibility requirements in effect during the month in which court action was initiated.

This determination must establish that requirements for age, residence, property, deprivation and need are met.

Interpretation - The term "AFDC" as used in Sections 45-157.121, 45-157.122 and 45-157.123 means AFDC to a needy eligible child in a family group or in foster care, with or without federal participation.

Effective 1/1/68

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

45-157 SERVICES TO CHILDREN IN FOSTER CARE AND THEIR PARENTS WHEN
A CHILD HAS BEEN REMOVED FROM HIS HOME BY COURT
DETERMINATION (Continued)

45-157

AFDC .3 Responsibilities of County Department and Probation Department

The responsibilities of the probation department and county welfare department are:

.31 To develop a plan for the care of the child in foster care.

.32 To place the child in a foster home or private institution and provide supervision to assure proper care.

.33 To provide for periodic review at least every six months of the necessity for the child to remain in foster care. The case record must clearly show that conditions for federal participation, as specified in 45-157.1, were met including but not limited to the following:

.331 The assessment of the suitability of the plan;

.332 The need for the child to continue in foster care; and

.333 The possibility that the child can eventually return to his home, or be placed in the home of a relative.

.34 To provide for services to improve conditions in his home so that he may return there, or to make possible his placement in the home of another relative (i.e., family counseling, individual casework services, group counseling, health services).

.35 To provide reports to the court as required, or as indicated by the case development.

.36 To use professionally qualified AFDC and Child Welfare staff to the maximum extent practical in the placement service for the child under the supervision of the county welfare department.

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Effective 1/1/68

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT

44-213

AFDC

Need shall be determined on a fixed budgetary basis for the persons in the family budget unit (see 44-213.1) when the child is living with one or more of the following relatives in a place of residence maintained as his or their own home:

- a. Father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, half-brother, half-sister, or any such person of preceding generation denoted by prefix of grand, great, or great-great.
- b. Any person who legally adopted the child or adopted the child's parent, or the natural children or other adopted children of such person.
- c. Legally married spouse of any person named above, even though the marriage has been terminated by death or divorce.

The presence in the home of other needy family members and other needy persons directly affects the child's need. Therefore, the child's need cannot be considered apart from the need of these other persons.

In deciding on the composition of the family budget unit, determine the persons who are actually living in the household, their relationship to the needy child, their need status, and other conditions for inclusion in the family budget unit. Consider each member of the household separately and include in the budget all persons who fulfill the requirements.

Include the unborn child in the budget when pregnancy is verified to increase the federally eligible persons count, provide for the supplementary dietary needs of the pregnant mother, and for purchase of a layette. To serve the best interests of the mother and child, authorization of aid shall be made at the earliest possible time.

.1 Persons Included in the Family Budget Unit

.11 When eligible child lives with a parent or parents:

- .111 The child, including the unborn child, and needy persons in the family group living in the home who are considered essential to the child's well-being. Needy persons other than natural or adoptive parents who are considered essential to the child's well-being are stepparents and full, half or step-siblings under 21 unless they are excluded by law.
- .112 A related child living in the home whose parent is not in the home and for whom aid is paid to the same payee as a related caretaker.

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

44-213 (Cont.)	NEED	Regulations
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44-213 THE FAMILY BUDGET UNIT (Continued)		44-213
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- AFDC | .12 When eligible child lives with relative, other than a parent, who does not have children in the home receiving AFDC:
- .121 The child and needy adult relative providing care and supervision with whom the child is living.
- .2 Persons Excluded from the Family Budget Unit
- .21 An unrelated male over the age of 18 living in the home who is not married to the mother and has no children in common with her.
- .22 The unmarried father whose children are ineligible for AFDC.
- .23 The married child.
- .24 Any recipient of OAS, AB, APSB or ATD.
- .25 Adult relatives living in the home when either/or both parent (s) are also in the home unless the only parent in the home is so incapacitated that the relatives' presence is required to give care and supervision.
- .26 The child 16 to 21 who is not disabled, not regularly attending school or a training program and not employed and contributing to the family nor saving his earnings under an approved plan.
- .27 The child and the parent or legal guardian of a child whose eligibility depends on the action of the parent or guardian if he fails to cooperate in determining eligibility or with law enforcement officials. (For limitations, see Section C-156 et. seq.)
- .28 The child whose exclusive personal property, or the stepfather or relative caretaker other than a parent whose property, when combined with that of persons in family budget unit exceeds the maximum amount allowable (see Section 41-313.25).
- .29 The child and the parent or other related caretaker, if the child has income specifically designated for him which meets the needs of the child and caretaker on the AFDC standard (see Section 44-113.2).
- .30 The child whose net income from his own earnings as computed in accordance with Sections 44-279.1 and .2 and 44-113.253 exceeds the usual community rate for room and board plus \$10.00.
- .31 The stepfather, the mother, and the stepfather's children of another relationship living in the home, when his separate income meets their needs. In such cases, the mother's community property interest in his community income, if any, would still be applied to the needs of the AFDC children.

CALIFORNIA-SDSW-MANUAL- PSS	Rev.	replaces Issue 213 Effective 1/1/68
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 1/1/68:

45-159 Termination of Federal Participation for Children in Foster Care

Parts IV-A and VIII of Department Bulletin No. 630 (AFDC) (Revised), Federal Participation in AFDC Payments for Foster Care

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following revisions and repeals, respectively, of the regulations of the State Department of Social Welfare are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

1. Revisions

Public Social Services Regulation 45-157:
Federal Participation in Services for Children in
Foster Care

Public Social Services Regulation 44-213:
The Family Budget Unit

2. Repeals

Public Social Services Regulation 45-159:
Termination of Federal Participation for Children in
Foster Care

Department Bulletin 630:
Federal Participation in AFDC Payments for Foster Care,
Section IV, Responsibility of County Welfare Departments, and
Section VIII, Claiming for Federal Participation

The following facts constitute the emergency with respect to the action upon the regulations listed above:


1. Public Law 90-248, the Social Security Amendments of 1967, permits the claiming, effective January 1968, of federal participation in the cost of foster care provided to dependent children under certain circumstances.

2. The present regulations define eligibility for federal participation more narrowly than is now permitted as the result of Public Law 90-248.

3. A failure to amend the regulations prior to March 31, 1968, so as to make them part of the "State Plan" this State has on file with the Department of Health, Education and Welfare of the United States under Title IV of the Social Security Act prior to March 31, 1968, will prevent the claiming of the additional federal funds available for the first calendar quarter of 1968 under Public Law 90-248.

4. The loss of available federal funds will necessarily have an adverse effect on the public health, safety and general welfare.

The above revisions and repeals must therefore be adopted as emergency measures to be effective upon filing with the Secretary of State and to be operative as of January 1, 1968.


JOHN C. MONTGOMERY, Director
State Department of Social Welfare

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Section 11422.1, Government Code

The Director of the State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) attached hereto.

STATE DEPARTMENT OF SOCIAL WELFARE

By

John C. Math
Director

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 29 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.2)

MAY 29 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 29, 1968

By: John C. Math

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 29 1968

At 4:00 o'clock M.

FRANK M. JORDAN, Secretary of State

By: W. B. Hill
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

22-023 COUNTY WELFARE DEPARTMENT RESPONSIBILITY PRIOR TO THE
HEARING (Continued)

22-023

.2 The Basis of Action

calendar

.21 Within six / days after the receipt of notification that a request for a fair hearing has been filed, the county welfare department shall send to the claimant and to the State Department of Social Welfare copies of a summary entitled Basis of Action, which shall be reviewed by the county welfare director or the person designated by him, and which shall contain:

.211 A statement of the county welfare department action or actions on which the request for a fair hearing is based, and the date of the action.

.212 An explicit statement in nontechnical language of the specific reasons for the action taken by the county welfare department and of the facts on which the action was based.

.213 Citations of statutory and regulatory authority used to support the action.

Effective 7/1/68

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

**22-027 COMPLIANCE WITH THE STATE DEPARTMENT OF SOCIAL WELFARE
 DECISIONS**

22-027

- .1 Immediately upon receipt of notice of the decision (excepting decisions rendered in appeals by an adult child liable for contributions, see 22-027.2) the county shall comply with the decision and shall notify the State Department of Social Welfare of the date and manner of compliance ~~or shall request a rehearing.~~ If the decision is in favor of the claimant on the issue involved, but aid has not been paid by the county, the notice to the State Department of Social Welfare shall include a brief statement of the new issues which resulted in further denial of aid.
- .2 Within 30 days after the mailing to the county welfare department and the adult child, of the decision in cases involving an adult child liable for contributions to a parent, and in the event the adult child has not complied with the decision, the county welfare department shall initiate, through the appropriate county officer or agency, the legal action that is necessary in order that the adult child shall comply with the decision within a reasonable period of time.

22-043 ACKNOWLEDGEMENT OF REQUESTS FOR FAIR HEARING

22-043

- .1 A request for fair hearing filed with the State Department of Social Welfare shall be acknowledged by a written communication to the claimant and to the county welfare department.
- .2 The claimant shall also be provided with a brochure explaining the fair hearing process.

22-045 SETTING THE HEARING

22-045

- .1 Date of Hearing - The State Department of Social Welfare shall schedule the fair hearing to commence not more than seventeen calendar days following filing date of the request for fair hearing.
 For good cause a hearing may be continued or postponed for a reasonable period at the request or with the agreement of the claimant or his authorized representative.
In requesting or agreeing to such postponement or continuance, the claimant or his authorized representative may determine that such postponement or continuance shall be to a specified date. A request for or consent or agreement to a postponement or continuance shall not constitute waiver of time limits other than that set forth in this subsection.
- .2 Place of Hearing - The place of hearing shall be the county seat of the county in which the claimant is living at the time of the hearing, unless the county seat is unsuitable due to the health of the claimant, transportation problems, convenience of witnesses or other causes. The place of hearing shall be convenient to claimant's home. The hearing may be held in the claimant's home if he is unable to leave the home.
- .3 Notification - The State Department of Social Welfare shall mail or deliver to the claimant and his authorized representative, if any, and the county a written notice of the time and place of the hearing not less than 10 days prior to the hearing.

Effective 7/1/68

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

22-047 HEARING CONDUCTED BY THE STATE DEPARTMENT OF SOCIAL WELFARE 22-047

conducted
 All hearings shall be by the referee unless the Director orders that it shall be conducted by himself or by the chief of the legal office of the department in behalf of the Director.

22-053 CONTINUANCE FOR ADDITIONAL EVIDENCE 22-053

.1 If, after a hearing has begun, the referee conducting the hearing determines that additional evidence not available at the hearing is necessary for the proper determination of the case he may in his discretion:

.11 Continue the hearing to a later date within the time limits imposed upon the referee (see Sec. 22-057). In connection therewith he may order further investigation and may direct either party to produce the additional evidence.

.12 Close the hearing but unless the provisions of Sec. 22-045 are applicable, hold the record open for ^{a period not} to exceed seven calendar

days in order to permit the reception of additional documentary evidence. Any material submitted after the close of the hearing shall be made available both to the county welfare department and to the claimant and each shall have the opportunity for rebuttal. The referee conducting the hearing may order a further hearing if the nature of the additional information or the refutation thereof makes a further hearing desirable.

22-054 ADDITIONAL MEDICAL EVIDENCE

22-054

When the hearing involves medical issues, a medical assessment other than that of the person or persons involved, the original decision shall be obtained and made a part of the record if the hearing officer considers this necessary or if the claimant so requests. (See Sec. 22-045 for effect on time limits.)

22-057 PROPOSED DECISION

22-057

.1 Within ^{calendar} twenty-one days after the hearing has been closed, the proposed decision shall be prepared in writing, approved by the chief referee and filed with the Director.

Effective 7/1/68

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

22-059 DECISION BY DIRECTOR OF THE STATE DEPARTMENT OF SOCIAL WELFARE 22-059

- .1 The Director of the State Department of Social Welfare, within ten calendar days after receiving the proposed decision, may:
 - .11 Adopt the decision in its entirety;
 - .12 Decide the matter himself on the record, including the transcript, with or without taking additional evidence;
 - .13 Order another hearing to be conducted by himself, the chief of the legal office or another referee if overall time limitations for disposition of fair hearing matters so permit.
- .2 The decision of the Director of the State Department of Social Welfare shall be in writing. It shall include a statement of the facts and of the statutes and regulations involved and of the reasoning which supports the decision.
- .3 No decision shall remand the case to the county welfare department for further consideration of the issues involved.
- .4 The decision shall cover only the situation pertaining during the period up to the date of the close of the proceedings before the referee and is not applicable to periods after that date where there has been a change in the circumstances involved in the decision.

22-061 NOTICE OF DECISION

22-061

- three calendar
- .1 Within / days after the decision is rendered by the Director, the State Department of Social Welfare shall mail a copy to the claimant, the county welfare director, and the county auditor. The notice of decision shall also contain a statement explaining the right to request a re-hearing.
 - .2 If the Director decides the matter and his decision differs materially from the proposed decision, a copy of the proposed decision shall also be mailed to the claimant, the county welfare director and the county auditor.

Effective 7/1/68

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**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

CHAPTER 22-100 REQUEST FOR REVIEW

22-101 DEFINITIONS

22-101

The following definitions are used in describing and reporting review activities.

.1 Inquiries -

- .11 Are essentially informational in character.
- .12 Require no service by the county department or the State Department of Social Welfare other than supplying the information.
- .13 Are not specific complaints or requests for a fair hearing.

.2 Complaints -

- .21 Are requests received by letter, telephone or in person for some review or service by the county department or the State Department of Social Welfare that meet the following requirements;
 - .211 They are made by an applicant for or recipient of public social services or food stamps (see Section 40-104.4 et seq) or person acting for him such as his legal guardian, relative, friend or other spokesman or person who has knowledge of his need to request a review.
 - .212 They express misunderstanding or dissatisfaction with some specific action, lack of action or series of actions by a county or counties affecting his application for or receipt of public social services or food stamps.
 - .213 They request or imply review and negotiation with the county regarding possible adjustment rather than a fair hearing.
- .22 Complaints may also include:
 - .221 Reports by others of fraud or misuse of funds by recipients or misuse of food stamps.
 - .222 Anonymous communications relating to applicants or recipients of categorical assistance *or food stamps* on which action is taken.
 - .223 Communications from relatives found liable for contributions.

.3 Fair Hearing -

- .31 Is an administrative hearing procedure established pursuant to Sections 10950 through 10965 of the Welfare and Institutions Code (See Operations Manual Section 22-001).

22-105 REQUEST FOR REVIEW - GENERAL

22-105

Any expression of misunderstanding or dissatisfaction, oral or written, shall be accepted as a request for review.

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

**22-107 COUNTY DEPARTMENT OR STATE DEPARTMENT OF SOCIAL
 WELFARE REVIEW**

22-107

A dissatisfied person may request the county or the State Department of Social Welfare to review county action, or failure to act in any matter relating to his grant, food stamps or treatment. He shall be encouraged to exhaust county department adjustment procedures before requesting the State Department of Social Welfare to review his problem.

22-109 COUNTY DEPARTMENT RESPONSIBILITY

22-109

.1 Availability of Review

In all individual relationships the county shall strive for prompt, simple and precise explanations of its actions to assure the maximum understanding on the part of the individuals. If this is not achieved between the individual and the social worker, the county shall be responsible for providing administratively a process through which the individual will receive an appropriate explanation or a resolution of his problem. (See Regulations Sections 40-131.41 and 44-325.434.)

.2 Designation of Staff to Conduct Review

- .21 The county department, in accordance with its size and/or administrative structure, shall specifically designate staff to be responsible for the activities connected with requests for review. Such staff shall be in a position to reassess promptly the client's situation in the light of applicable regulations with freedom to consider alternatives other than confirmation of the action under review.
- .22 The county department's designated staff shall have authority to take immediate action and effect any adjustment as may be appropriate. In the review special attention should be given to discover and correct:
 - .221 Failures of communication between complainant and worker.
 - .222 Erroneous application of public social service or food stamps regulations.
 - .223 Failure to provide aid and services promptly and humanely, without discrimination, and in a manner as to encourage self-respect and self-reliance.

.3 Dissatisfaction with Review

As part of the review process, the client shall again be informed by county staff of his right to a fair hearing.

22-113 STATE DEPARTMENT OF SOCIAL WELFARE RESPONSIBILITY

22-113

- .1 The State Department of Social Welfare is responsible for providing a process whereby the individual who has not achieved an understanding with the county may have his situation reassessed and reviewed promptly.
- .2 The State Department of Social Welfare complaints staff shall receive the request for review, contact the designated staff in the appropriate county, inform the county of the client's problem, and request that the problem be promptly reassessed. The State Department of Social Welfare staff may inform the county of the intent or meaning of applicable regulations. As part of the review process the client shall be informed of his right to a fair hearing.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

42-300 DEPRIVATION OF PARENTAL SUPPORT OR CARE

42-300

AFDC Deprivation of parental support or care is a separate and specific eligibility factor for AFDC. A child's deprivation is based on the status of parent or parents, or on his relinquishment for adoption.

42-301 BASIS OF DEPRIVATION

42-301

.1 A child is considered deprived of parental support or care if:

- a. The child has been relinquished for adoption (see Section 42-310)
- b. Either parent is deceased (see Section 42-320)
- c. Either parent is physically or mentally incapacitated (see Section 42-330)
- d. Either parent is unemployed (see Section 42-340)
- e. Either parent is continually absent from the home in which the child is
living, See Section 42-350).

.2 All bases for deprivation shall be considered at time of application and at time of redetermination of eligibility.

.3 When the child is deprived of parental support or care for more than one reason, eligibility is established on the basis of deprivation that appears first in Section 42-301.1 above.

42-303 DEFINITION OF A PARENT

42-303

AFDC .1 Definition - Parent

"Parent" means either the father or the mother, natural or adoptive, whether married or unmarried.

If a child is born in wedlock or within ten months after the final divorce decree or annulment, the legal presumption is that he is the child of the marriage. For purposes of AFDC, determination of deprivation under such circumstances is based on the status of the mother and her husband unless the presumption is overcome by a preponderance of competent evidence.

Deprivation of an adopted child is based on the status of the adoptive parents and not on that of the natural parents.

.2 Presence of Stepparent in Home

Deprivation is not affected by the presence in the home of a stepparent, an unmarried father, or a man assuming the role of spouse.

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**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

42-305 TERMINATION OF DEPRIVATION

42-305

- .1 When a basis for deprivation ceases, and the family remains in need, the county shall determine if any other basis for deprivation exists.
- .2 Assistance shall be continued, if the family is in need, for a readjustment period not to exceed three calendar months when:
- .21 Deprivation, which is due to relinquishment, incapacity or absence, ceases, or
- .22 Deprivation changes to deprivation due to separation or desertion of a parent.

42-310 RELINQUISHMENT FOR ADOPTION

42-310

AFDC | .1 Relinquishment for Adoption

Deprivation exists when:

- .11 Relinquishment of a child to a county adoption agency has been signed; or
- .12 Relinquishment of a child to a private adoption agency has been signed; and
- .121 The child was receiving AFDC at the time of relinquishment; or
- .122 The agency has certified in writing that the child is unplaceable for adoption.

.2 Termination of Deprivation Due to Relinquishment for Adoption

Deprivation because of relinquishment for adoption ends:

- .21 When the child is placed for adoption; or
- .22 When relinquishment is terminated.

42-320 PARENT IS DECEASED

42-320

AFDC | .1 Deprivation exists if either parent is deceased.

- .2 The applicant's statement of the date and place of death shall be conclusive evidence in the absence of conflicting information.

Effective 7/1/68

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

42-330 PHYSICAL OR MENTAL INCAPACITY OF A PARENT

42-330

AFDC .1 Mother Incapacitated

Deprivation exists if a physical or mental illness or disability prevents the mother from giving her child(ren) normal care.

.2 Father Incapacitated

Deprivation exists if the father's physical or mental illness or disability:

- .21 Prevents him from working full time at a job in which he has customarily engaged; and prevents him from working full time on another job for which he is equipped by education, training or experience, or which he can learn by on-the-job training; or
- .22 Is the reason employers refuse to employ him for work he could do and is willing to do. This includes behavioral disorders which interfere with the securing and maintaining of employment; or
- .23 Prevents him from accomplishing as much on a job as a regular employee and is the reason he is paid on a reduced basis even though he is working full time; or
- .24 Has qualified him and he is receiving ATD; or
- .25 Qualifies him and he is employed in a job which is rehabilitative, therapeutic or in a sheltered workshop not considered to be full time job.

.3 Determination of Incapacity

It is the primary responsibility of the social worker to determine whether incapacity exists. The social worker shall review and weigh all evidence and carefully document all reasons for the determination that incapacity does or does not exist. Evidence as applicable may include but is not limited to the following:

- .31 Psychological data, including a psychiatric evaluation or psychometric tests results if indicated.
- .32 Social data should include any history of alcoholism, drug addiction, criminal activity, inability to secure and hold employment, or other behavioral disorders which are characterized by deviate social behavior and which impair ability to carry out normal relationships at home, in the community, or in employment relationships.
- .33 Vocational data, which will include an extensive employment and educational history, with reasons for terminating employment, training or school; attendance record which reflects pattern of illness; transportation problems or family problems; and attitude.

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 (Pursuant to Government Code Section 11380.1)

42-330 PHYSICAL OR MENTAL INCAPACITY OF A PARENT (Continued)

42-330

.34 Medical data which includes a current complete medical examination.

The record should include a complete statement from the recipient or applicant concerning his view of his health situation. Medical information shall be obtained on Form CA 243, or approved substitute *on Form*
~~DAI or DAI 3.~~

4. Deprivation Continued During Rehabilitation Plan

If otherwise eligible, aid is continued for an incapacitated parent until the county's plan of rehabilitation is complete unless:

.41 The plan is no longer feasible or desirable; or

AFDC .42 The family becomes ineligible for a reason other than recovery of a parent from incapacity.

5. Completion of Rehabilitation Plan

The rehabilitation plan is completed when the county's plan for rehabilitation services and/or training plans have been successfully concluded and the recipient secures employment.

42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC .1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

.11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or

.12 Employed only part time.

.121 Part-time employment is that which:

a. Affords less than 173 hours of paid regular work per month; or

b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 173 hours.

.122 Notwithstanding PSS Section 42-340.121 above, employment at farm labor which affords 173 or more hours of work per month is considered part-time employment for a parent who is normally engaged in irregular, temporary or intermittent farm work, until the parent has worked more than 173 hours in each of three consecutive months.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

42-340 UNEMPLOYMENT OF A PARENT (cont.)

42-340

.2 Federal Participation in Unemployed Parent Cases

Federal participation in aid payments made to unemployed parent cases is limited to cases in which all of the following conditions are met:

.21 The father is unemployed as specified in .11 and .12 above.

.22 The father was not receiving Unemployment Insurance Benefits on the first day of the month.

.23 The father is currently registered with the Department of Employment as available for employment (see Section 42-405.2).

.24 The father has been unemployed for at least ^{consecutive calendar} 30 days during which time he has not refused a bona fide offer of employment or training.

.25 The father has established a connection with the labor force either by:

.251 Meeting any one or a combination of the following requirements in each of six calendar quarters in the 13 calendar quarter period ending within one year before the date of application for aid:

a. Earned a gross of at least \$50.

b. Participated for at least five days during the quarter in a Community Work - Training project (administered in accordance with Department Bulletin No. 636), a Title V, EOA project, or in an activity administered under the WIN program; or ^{by}

.252 Receiving, or being eligible to receive, Unemployment Insurance Benefits during the year before application.

.3 Deprivation Due to Unemployment of Mother

When the father is employed full time, deprivation due to the unemployment of the mother exists only when the mother has a satisfactory plan for care of the children, has the ability to work and care for the family; and

.31 Has been in the labor market; ^{and/or}

.32 Has a valid and workable plan for employment or training for employment.

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CONTINUATION SHEET
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 (Pursuant to Government Code Section 11380.1)

42-340 UNEMPLOYMENT OF A PARENT (Continued)

42-340

.4 Deprivation Due to Unemployment Ends

Deprivation due to unemployment ends at the end of the month in which the parent no longer meets the conditions specified in PSS Section 42-340.1, and:

.41 The parent has worked and received at least one full week's pay before the end of the current month; and

.42 Full-time employment

.421 Is expected to continue beyond the end of the next month, or

.422 If the parent is working full time in seasonal farm labor as defined in PSS Section 42-340.122, is expected to continue for at least another two months.

AFDC .5 Discontinuance of Unemployed Parent Cases

.51 Aid is discontinued at the end of the month in which deprivation due to unemployment ends.

.52 Aid is discontinued for a family with a parent employed part time in other than farm work when the family is no longer needy.

.521 An intraprogram status change (see PSS Section 40-183) shall be made for those families discontinued under this provision who meet the requirements for medical assistance for the medically needy.

.53 Aid is discontinued for a family aided within the provisions of PSS Section 42-340.122 when the parent fails to work the number of hours considered usual for the type of currently available farm labor, except as the conditions in PSS Section 42-340.531 are met.

.531 Prior to authorizing discontinuance of aid, the parent shall be notified (in accordance with procedure for notification in regard to withholding of aid payments, see PSS Section 44-325.43) of the proposed action and of his right to substantiate that aid should be continued by:

a. Presenting Form CA-333 showing certification by the Department of Employment that the usual number of hours was not, in fact, available to him, or

b. Establishing that good cause within the reasons set forth in PSS Section 42-407 existed to preclude his working the usual number of hours otherwise available to him.

.6 Readjustment Period

There is no readjustment period. Aid ceases when deprivation due to unemployment ends.

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42-350 CONTINUED ABSENCE OF A PARENT

42-350

AFDC .1 Factors Defining Continued Absence

Continued absence from the home exists if the parents are living separate and apart, and

.11 Separation Without Legal Action

The parents are separated without legal action, or a parent has deserted, and a clear dissociation of one or both parents from the normal family relationship exists, deprivation begins three months from the date of separation;

or

.12 Separation With Legal Action

The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a separate maintenance action has been filed; or an injunction has been issued forbidding a parent from visiting his spouse or children. Deprivation exists from the time the parent leaves the home. If the parents, despite the legal action, resume living together, there is no longer deprivation on the basis of absence;

or

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42-350 CONTINUED ABSENCE OF A PARENT (Continued)

42-350

AFDC .13 Unmarried and Maintained No Home Together

The parents are not married to each other, and have not maintained a home together;

or

.14 Deportation or Confinement in a Penal or Correctional Institution

One parent is not legally able to return to the home because of confinement in a penal or correctional institution or because he is a foreign national who has been deported or has voluntarily left the country because of the threat of, or the knowledge, that he was subject to deportation.

.2 Visits of Absent Parents

Unless legally prohibited, the absent parents have the right and should in most instances be encouraged to meet with and know their children. Such meetings do not affect eligibility.

.3 Visits by Mothers and Children

Deprivation on the basis of absence is not affected by visits of short duration by the mother or children to see a deported father.

.4 Contributions

Deprivation on the basis of absence is not affected by contributions of an absent parent to the support of the child(ren).

.5 Whereabouts of Both Parents Unknown

If at the time of application the whereabouts of both parents has been unknown for a period of three months, or if subsequent to the granting of aid the whereabouts of both parents becomes unknown, deprivation on the basis of absence is presumed. The county has a continuing responsibility to locate the absent parents. If either is located, a redetermination of deprivation is based on the facts at that time. If the parents are located and are living together, deprivation on the basis of absence no longer exists.

.6 Child(ren) Living Apart From Parents

Deprivation on the basis of absence does not exist where parents are maintaining a home together but the child(ren) is living elsewhere (in the home of a relative, foster home or private institution). This is true whether the child(ren) was placed by the parents, an authoritative agency, or any agency acting on behalf of the parents.

.7 Evidence of Absence

In the absence of conflicting information, the applicant's statement concerning continued absence is sufficient evidence.

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CONTINUATION SHEET
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 (Pursuant to Government Code Section 11380.1)

44-111. PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
 (Continued)

44-111

AFDC/.23 Family Exemption

The first \$30 of combined net earned income plus one-third of the remainder of the earned income of adults and children 18 to 21 attending school less than half time is exempt.

.231 The family earned income exemption applies to all families receiving AFDC unless one or more of the persons to whom the exemption applies:

- a. Terminates his employment without good cause, or
- b. Refuses to accept a bona fide offer of employment without good cause.

.232 The family earned income exemption applies in determining eligibility of applicants only when AFDC for the family was discontinued within the four preceding months due to employment which did not work out as full-time employment.

Interpretation - In all other applicant families, if the family is determined to be eligible for aid without the exemption, the exemption is applied in determining the amount of the initial and subsequent aid payments.

.24 Student Exemptions -- Children 18 to 21 years

.241 All earned income of a child 18 to 21 years old who is a full-time student is exempt.

.242 All earned income of a child 18 to 21 years who has a school schedule that is equal to at least one-half of a full-time curriculum, and who is not employed full time, is exempt.

.243 For purposes of this policy, the following definitions apply:

- a. School attendance is defined as attendance in a school, college, or university, or in a course of vocational or technical training designed to fit the child for gainful employment.
- b. Part-time employment is defined as less than 173 hours per month.

AFDC/.25 Exemption for Children Under 18 Years of Age

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 (Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
 (Continued)

44-111

.251 For children under 18, in addition to any other exemptions of income, 50% of earned income of each child per month up to a maximum of \$50 per child and \$150 per family is exempt. (See Section 44-113.243, Policy on Conservation of Child's Income.)

.252 For children under 14, no inquiry regarding earnings is to be made unless there is reason to believe that the child is earning more than \$50 per month.

AFDC | .26 Incentive Payments

Incentive payments for persons enrolled in the Work Incentive Program, Institutional and Work Training category are exempt.

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| .32 Payments Under Title I or Title II and Grants Under Title III of the Federal Economic Opportunity Act

The first \$85 plus one-half of any excess over \$85 per month of "payments" made to or on behalf of any beneficiary under Titles I or II of the Federal Economic Opportunity Act of 1964, or any program assisted under such titles is not regarded as income or resources of any beneficiary or as income or resources of any other individual. For exception in the amount of exemption for a "resident nonprofessional" see Item b (2) below. Also, see Section 44-113 for the method to be followed in determining the amount of nonexempt income.

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| .33 Manpower Development and Training

Payments not to exceed \$20 per week under the Manpower Development and Training Act to a recipient of aid as training incentive payments, and additional expense allowance payable under the Manpower Development and Training Act to defray expenses attributable to training, are exempt. This exemption does not apply if the recipient, on his own initiative and for reasons other than medical, changes his training program more than once during a two-year period.

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(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

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.212 Recipient Has Earnings in Excess of \$85 a Month Under Title I or Title II of the Economic Opportunity Act and No Other Earnings

- a. Determine gross income from such earnings.
- b. Deduct from the gross all nonpersonal work expenses attributable to his earnings under the Act. (See Section .211, b, above.)
- c. From the remainder, deduct the excluded earnings, i.e., the first \$85 and one-half of any excess over \$85. (With respect to "Resident-Nonprofessionals" as defined in Section 44-111.322, disregard the first \$85 plus one-half of the next \$65 but only for the first 12 months.)
- d. Deduct personal work expenses attributable to such earnings under the Act. (See Section .211, d, above.)

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- e. Any remainder is considered as nonexempt income, applicable to the need of the recipient (except as provided in Section 44-131).

.237 Exempt family earned income (as provided in Section 44-111.23)

is to be deducted after all deductions for expenses of employment from income are made.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective July 1, 1968:

- 42-309 Death
- 42-311 Continued Absence From The Home
- 42-321 Physical Or Mental Incapacity Of A Parent
- 42-327 Unemployment Of A Parent
- 42-331 Deprivation Due To Relinquishment For Adoption

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(Pursuant to Government Code Section 11380.1)

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MAY 29 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.1)

MAY 29 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 29, 1968

By: John C. [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 29 1968

At 4:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

42001 LICENSING JURISDICTION

Persons, corporations or other legal entities are subject to licensing as a residential care home for the aged if they solicit, or receive, any persons 65 years of age or over into a physical setting with the intention or actual assumption of responsibility for their general welfare in addition to the provision of room and board.

(a) Evidence that the establishment is subject to licensing jurisdiction includes the following:

- (1) Identification of the establishment and the services offered by any name, description or advertisement which implies care and services to aged people.
- (2) Implied or actual assumption of responsibility for care and well being of aged persons, including awareness of their level of functioning, their appearance and state of health and arranging for needed services.

(b) Excluded from licensing under this chapter are facilities licensed by other state agencies and establishments providing only housing or housing and meals.

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Any person, corporation, or other entity which proposes to engage, or actually engages, in the assumption of responsibility as defined above shall be subject to licensure and to all the requirements thereof even though it does not provide, or propose to provide, all of the services required as a condition of licensing.

Effective 7/1/68

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

42-001 (Continued)

Any person, corporation, or other legal entity which conducts an establishment subject to licensing jurisdiction as defined in this section, in that it receives aged persons for care, but ^{which} does not have a license to conduct a residential care home, is subject to prosecution under Welfare and Institutions Code Section 16210 or to injunction proceedings under Welfare and Institutions Code Section 16212 for violation of Welfare and Institutions Code Section 16200.

42002 MINIMUM SERVICES REQUIRED AS A CONDITION OF LICENSING

The issuance of a license is contingent upon:

- (a) Conformity with the rules and regulations of this chapter, and
- (b) An acceptable plan to provide or to arrange for services essential to the safety, health and welfare of aging persons including all of the following minimum services.
 - (1) Safe and suitable living accommodations
(Sections 42161 - 42165, 42171 - 42179 and 42189-42199)
 - (2) Continuing observations of the physical and mental condition of each resident (Section 42281)
 - (3) Three nutritionally well-balanced meals available daily
(Sections 42311 - 42317)
 - (4) Personal assistance as needed (Section 42283)
 - (5) Emergency health care including medical treatment (Section 42289) and bedside care during temporary illness (Section 42291)
 - (6) A program of social-recreational activities (Sections 42331 - 42339).

Services may be expanded provided that such services are in conformity with the regulations of this chapter.

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

42067 ADMISSION AGREEMENTS - ALL INSTITUTIONS**a. General**

There shall be a written admission agreement with each resident. All admission agreements shall specify services to be provided and financial arrangements. The individual agreements shall be completed prior to or at the time of admission, dated, and signed by both an authorized representative of the home and by the resident or by a responsible relative or agent. A signed copy of the agreement shall be given to the resident and/or to a responsible relative or agent. The basic rate for each individual shall include payment for those minimum services listed in Section 42002 which are provided on a routine basis.

The agreement when completed shall include:

- (a) The basic rate agreed upon, period to be covered, ^{date payment is due} and the services to be provided for the basic rate;
- (b) Whether additional services are provided and whether there will be charges for these services;
- (c) A refund policy;
- (d) Exclusions or limitations of services;
- (e) Conditions for modification of the agreement which shall include at least 30 days prior notice of basic rate change;
- (f) A statement that services are accorded to residents without discrimination because of race, color, religion, national origin or ancestry.

Intensive care requiring continuous personal assistance may be precluded in the admission agreement.

1. Modification of Admission Agreement

The agreement may be modified by mutual consent provided such changes are in conformity with this chapter.

42068 ADDITIONAL SERVICE SCHEDULE

The resident shall be given a separate statement of all services for which additional charges will be made and the fees for such services.

When there are changes in the scope or the rates of services available for an additional charge, an amended statement of such changes shall be provided to residents at least 30 days prior to the effective date of change.

Nothing in this chapter shall preclude a residential care home from including any and all services in the basic rate.

Effective 7/1/68

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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JUN 28 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

JUN 28 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 27, 1968

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUN 28 1968

At 3:45 o'clock P.M.

FRANK M. LORDAN, Secretary of State

By: Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

44-301 MONEY PAYMENT PRINCIPLE

44-301

AB Each individual or family has the right to manage his own affairs; to decide what
ATD use of his money, including the aid payment, will best serve his interests; and to
OAS make his purchases through the normal channels of exchange, enjoying the same
AFDC rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (See Sec. 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program or has refused employment. (See Section 30-163).

44-303 AID PAYMENTS - DEFINED

44-303

Aid payments are:

AB .1 Money payments, i.e., payments delivered unconditionally to the recipient
ATD (or to the legally appointed guardian or conservator of the recipient's
OAS estate provided such guardian or conservator is not accountable either to
AFDC the county department or to a public institution responsible for providing care of the recipient) with no state or county control of the use of the payments. Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

or

.2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient within the limitations specified in Section 44-307.7.

or

AFDC .3 Vendor payments, i.e., payments made directly to persons or agencies supplying goods or services to the recipients or family as specified in Section 44-307.8.

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CONTINUATION SHEET
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44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC .8 Vendor Payments

A vendor payment is an assistance payment all, or portion of which is made to the person or agency supplying goods or services to the recipient or family.

A vendor payment may be combined with a protective payment on behalf of a family. However, when vendor and protective payments are combined it shall be made clear to the recipient and substitute payee what needs are being met by vendor payments.

.9 Controls and Records of Protective and Vendor Payments

The number of cases paid in the form of protective or vendor payments for mismanagement is limited to 10% of each county's AFDC cases exclusive of cases in which sanctions under the Work Incentive Program are applicable. However, reporting on the total number of cases in which protective or vendor payments are made will be required. Accordingly, adequate controls and records must be established so as to permit such reporting.

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44-307 MONEY MANAGEMENT (Continued)

44-307

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.722 Substitute Payee-Agency Relationship

The county department and the payee shall share in the responsibility for development of plans to improve the recipient's capacity to handle money, the evaluation of the protective payment service, and progress made by the recipient in overcoming money management problems.

The payee shall be accountable to the department in assuring that the assistance payment has been spent on behalf of the recipient. This need not be a detailed account of expenditures, but may appropriately include a general report to the department of funds spent for the recipient such as a simple account book or a monthly certified statement signed by the substitute payee. (See Fiscal Manual Section, F-310.22.)

The payee's responsibility to the department shall be defined in writing, with a copy to both the payee and recipient. This shall be supplemented by discussion with the payee of the specific responsibilities, the objectives of the plan, the nature and frequency of the reporting expected and the relationship with other resources to be used. A clear understanding of the rights of the recipient and the confidential nature of the agency-recipient-payee relationship is essential.

.73 Appointment of Substitute Payee

The county department shall have the authority to appoint the substitute payee and shall assist him in providing constructive help to the recipient. It shall also have the authority and responsibility to terminate the payee's service when it is no longer necessary or should it be determined he is not acting in the best interests of the recipient. Before any action is undertaken to remove a substitute payee because of unsatisfactory service, careful evaluation should be made of the individual's performance and ability to continue in this role.

.74 Determination and Payment of the Assistance Grant When All or a Portion of the Payment is a Protective Payment

Total need of the recipient and the amount of the assistance grant are determined in the manner specified in the Need Determination Chapter and this chapter whether or not all or any portion of the payment is a protective payment. In making protective payments, care shall be taken to leave in the hands of the recipient as much responsibility as is possible and consistent with conditions. In the adult program, when only a portion of the assistance payment is paid to a substitute payee and the balance is paid to the recipient, it is important that each understand how the portion of the assistance payment made to him is determined, the needs covered thereby and his responsibilities in meeting those needs.

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44-307 MONEY MANAGEMENT (Continued)

44-307

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.711 Exclusions and Exceptions

Excluded from those who may serve as substitute payee is any operator or person acting in behalf of any public or private facility responsible for the care of the recipient. Also excluded are the landlord, grocer, and other vendors of goods or services dealing directly with the recipient. In AFDC the spouse and adult child living at home are also excluded.

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.712 County Worker Serving as Substitute Payee

When no other suitable individual is available, a qualified county welfare employee, other than the case carrying worker, his supervisor or the agency director, may serve as substitute payee. Although the case carrying worker may not serve as substitute payee, he is responsible for providing all necessary services to the recipient and for keeping the agency representative who is serving as substitute payee informed of the recipient's needs for which disbursements are necessary.

.72 Role of Substitute Payee

The individual who agrees to act as payee for a recipient assumes a dual responsibility--to the recipient and to the agency. In accepting an appointment, the substitute payee assumes the obligation to see that the assistance payment is spent for the benefit of the recipient and to work cooperatively with the agency in fulfilling this role.

.721 Substitute Payee-Recipient Relationship

The substitute payee shall have the authority to make decisions about the expenditures of the assistance payment. Whenever possible the recipient shall participate in such decisions and, in all instances, have the opportunity to at least discuss expenditures before they are made. Moreover, care shall be taken that the recipient's rights are not abridged.

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44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC .6 Administration of Protective or Vendor Payments

When either protective or vendor payments or a combination of the two are made, no portion of the grant may be made as a cash payment to the family.

The amount paid as a vendor or protective payment for any monthly recurring item of basic need shall not exceed the amount specified for the item in the Itemized Cost Schedule unless:

- a. Total need of the family is met, or
- b. The recipient specifically requests in writing that the full cost of the item be paid.

In determining the amount of a protective or vendor payment for any item, the county and the substitute payee shall exercise care to assure that sufficient funds or other resources remain available to meet the other basic needs of the family.

AB .7 Protective PaymentsATD
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A protective payment is an assistance payment all, or portion, of which is made to a substitute payee serving as representative of the recipient. Such substitute payee is a person selected to represent the recipient but is not a legally appointed guardian or conservator of the recipient's estate.

Aid payments, generally, must be made directly to the recipient in accord with the basic money payment principle as set forth in Section 44-301. A protective payment may be made only within the limitations prescribed below.

.71 Selection of Substitute PayeeAB
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Selection of the substitute payee should involve consideration of the recipient's or family's preference insofar as practicable. The payee selected may be from the family's friends, relatives, neighbors, or from the clergy, church or community service groups. A staff member from voluntary agencies, such as family service or settlement centers or from public agencies administering health, rehabilitation, housing programs may act as substitute payee, if qualified and willing to serve. Others selected can be home economists, homemakers, housekeeping aides, practical nurses, but are not limited to these.

Criteria for selection of the substitute payee shall include:
Interest or concern for the welfare of the recipient.

Ability to help the recipient to make proper use of the assistance payment.

Accessibility to the recipient.

Ability to establish and maintain a positive relationship with the recipient.

Good character and reliability.

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CONTINUATION SHEET
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44-307 MONEY MANAGEMENT (Continued)

44-307

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- f. Arranging for participation in group counseling or guidance and complementary group service activities where proper and feasible.
- g. Money payments at intervals of one or two weeks within the month.
- h. As alternatives to protective payments (see .7 below) or vendor payments in AFDC (see .8 below), a variety of casework services and related techniques applied in the solution of the individual's or the family's problem.
- i. Other appropriate services available in the community.
- j. Protective payments (see .7 below) providing there is factual evidence demonstrating that:
 - (1) One or more of the conditions specified in .3 above are identified and establish the existence of money management problems.
 - (2) The recipient's inability to manage his money is the result of a physical or mental incapacity.
 - (3) The case is likely to benefit from a protective payment.
 - (4) Other appropriate services do not suffice to solve the problem.
- k. Arranging for guardianship or conservatorship for the recipient when the evidence supports the conclusion that other services are not adequate and that a protective payment does not offer sufficient protection.

- AFDC i. Vendor payments, providing there is factual evidence demonstrating that:
- (1) One or more of the conditions specified in .3 above are identified and establish the existence of a money management problem;
 - (2) The case is likely to benefit from the vendor payment; and
 - (3) Other appropriate services do not suffice to solve the problem.

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**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

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52 County Welfare Department Responsibility

When a money management problem exists, the county welfare department shall:

- .521 Take appropriate steps to analyze the situation and to contact the recipient or his family, interested persons or or other principals who have demonstrated concern about his welfare.
- .522 Develop an individualized and administratively controlled plan for help in resolving the problem. An administratively controlled plan is one which:
 - a. Is documented.
 - b. Sets forth the agency's conclusion as to the factors contributing to the situation.
 - c. Establishes the frequency and nature of contact and the agency's action to be taken.
 - d. Establishes the responsibility for implementing and carrying out the necessary agency actions.
 - e. Reflects the results achieved by carrying out the plan and any modifications resulting from experience as the plan progresses.
 - f. Is reviewed and revised or reconfirmed at intervals not to exceed six months (three months in AFDC) in instances where the maximum potential for improvement has been reached and can be maintained only with the help of long-term payment modifications, the reevaluation period may be extended to twelve months (six months in AFDC).
 - g. Is subject to administrative review and approval.
- .523 Provide or arrange for those agency services or relationships which will enable the recipient or family to regain and carry a maximum degree of responsibility in managing his or their own affairs to the greatest advantage.

Services provided may include (but are not necessarily limited to) any one or combination of the following as appropriate:

 - a. Help and advice with budget planning, and planning of expenditures. This may include the possibility of follow-up interviews to confirm and discuss the extent of performance on a mutually defined goal and plan.
 - b. Consultation with creditors and/or participation in bringing the principals together for the purpose of achieving a mutual agreement.
 - c. A debt adjustment service.
 - d. Arrangements with other agencies or individuals for referral.
 - e. Use of volunteer services, as appropriate.

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Effective 7/1/68

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following revisions and repeals to the Public Social Services Manual are emergency measures necessary for the immediate preservation of public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revision to Public Social Services Manual Sections 44-301, 44-303
44-307 re Protective and Vendor Payments.

The following facts constitute the emergency with respect to the above-identified regulations:

1. P.L. 90-248 the Social Security Amendments of 1967 and implementing regulations of the Department of Health, Education and Welfare require the use of protective or vendor payments as sanctions for failure of an aid recipient to cooperate in an established Work Induction Training Program.
2. P.L. 90-248 the Social Security Amendments of 1967 provides that exclusive of protective or vendor payments paid to aid recipients in the form of sanctions as described in 1 above, the total number of Aid to Families with Dependent Children cases receiving protective payments must be limited to 10 percent of the Aid to Families with Dependent Children caseload.
3. P.L. 90-248 the Social Security Amendments now prohibits the use of "modified payments" currently payable under existing regulations.
4. Present regulations do not now conform to federal requirements and must be revised to comply with federal provisions described above.
5. The revision to regulations must be in operation in California by July 1, 1968, in order to comply with the federal provisions described above.
6. Failure to meet the federal requirements would result in withholding federal funds causing hardship to thousands of welfare recipients.

In order to prevent this adverse effect on public health, safety and general welfare, it is necessary that the above-described regulations be adopted with an effective date of July 1, 1968, as emergency regulations.

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(Pursuant to Government Code Section 11380.1)

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JUN 23 1968

Office of Administrative Procedure

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JUN 28 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 24, 1968

By: *John C. McIntyre*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUN 28 1968

At 3:45 o'clock P.M.

FRANK M. GORDON, Secretary of State

By: *W. P. Sullivan*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

40-127 POLICY IN REGARD TO PROMPTNESS AND IMMEDIATE NEED

40-127

AB
ATD
OAS
AFDC.1 Promptness Requirement

The investigation and determination of eligibility shall be completed and appropriate action on the application taken as rapidly as possible and within not more than 30 calendar days (45 days in ATD) starting with the first day after the filing of the application.

Inability to complete the determination of eligibility within the 30 day period (45 days in ATD) shall not be a basis for denying the application. (See Sec. 40-171.4) The specified time limit may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances beyond the reasonable control of the agency, e.g.,

- .11 Failure, delay or inability on the part of the recipient to provide necessary information or data at hand raise a question as to eligibility.
- .12 Failure or delay on the part of an examining physician to provide all needed information.
- .13 Failure or delay on the part of the State Disability Review Team in rendering a decision.
- .14 Application is made prior to the date on which the applicant meets the eligibility requirements and the 30 day period (45 days in ATD) terminates before the applicant meets such requirements. (See Section 40-171 regarding application held pending eligibility.)

Effective 7/1/68

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FINDING OF EMERGENCY

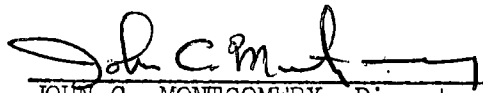
The following regulation revision is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421 (b) of the Government Code:

Amendment to Public Social Services Manual Section 40-127.1: Application processing time and eligibility determinations, Aid to Disability applications.

The following facts constitute the emergency with respect to the above-identified regulations:

1. Mandatory federal regulations recently adopted impose a maximum time limitation for determining eligibility and taking appropriate action on applications for Aid to the Disabled of 45 days.
2. The revision of regulation 40-127.1, Public Social Services Manual, conforms the "State Plan" respecting the processing of Aid to Disabled applications to the federal requirement in that it provides that such applications must be acted upon and an eligibility determination made within 45 days.
3. The revision to regulation 40-127.1, Public Social Services Manual, must be in operation in California no later than July 1, 1968, to comply with the federal regulations described above.
4. Failure to amend regulations in compliance with the federal requirements would result in withholding federal funds causing hardship to many thousands of welfare recipients.

In order to prevent this adverse effect on public health, safety and general welfare, it is necessary that the above-described regulation be adopted with an effective date of July 1, 1968, as an emergency regulation.


JOHN C. MONTGOMERY, Director
State Department of Social Welfare

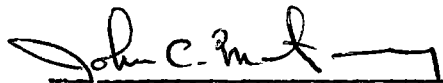
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(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Under Sec. 11422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 11423, 11424 and 11425 of the Government Code were complied with:

40-127.1 filed with Secretary of State June 24, 1968


JOHN C. MONTGOMERY, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date June 24, 1968

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(Pursuant to Government Code Section 11380.1)

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JUN 28 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 24, 1968

By: John C. M. [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUN 28 1968

At 3:45 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By [Signature]
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

44-261 SPECIAL NEED FOR HOUSEHOLD REMEDIES AND OTHER HEALTH RELATED
NEEDS

44-261

OAS

Special need of \$4 a month is allowed to each OAS recipient to cover the cost of household remedies and other health related needs not within the minimum need standard or the scope of service under Medi-Cal. However, recipients who remain in a medical facility beyond a temporary period as provided in Regulation 44-211.1, are not entitled to this special need allowance as total need of such recipients is limited to \$15 a month.

Effective 7/1/68

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FINDING OF EMERGENCY

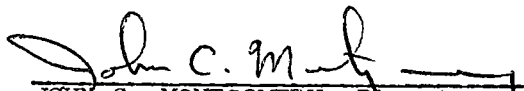
The following regulation revision is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provision of Section 11421(b) of the Government Code.

The emergency revision herein proposed in PSS Regulation 44-261 provides for continuation of a \$4 special needs allowance for OAS recipients.

The following facts constitute the emergency with respect to the above-listed regulation:

1. Item 351.5 of the Budget Act of 1966 and Item 284.5 of the Budget Act of 1967 included a specific directive that the State Department of Social Welfare establish a special need allowance of \$4 for recipients of Old Age Security and, as one alternative, suggested the \$4 special need be allowed to enable recipients to purchase personal and sundry items for which they have need.
2. Regulation A-204.05 established this \$4 special need for the fiscal year 1966-67 and PSS Regulation 44-261 continued the same \$4 special need for the fiscal year 1967-68.
3. Unless action is taken to continue this special need allowance, it will terminate effective June 30, 1968, thus necessitating a decrease in grant to most OAS recipients effective July 1, 1968.
4. The revision of PSS Regulation 44-261 continues this \$4 special need allowance for all Old Age Security recipients, other than those who remain in a medical facility beyond a temporary period.
5. Failure to adopt this provision as an emergency regulation would contravene legislative intent and delay for several months the availability of the funds to the recipients of Old Age Assistance.
6. Such a delay would necessarily have a detrimental effect on the health, safety and general welfare of the recipients affected.

It is, therefore, necessary that this revision of PSS Regulation 44-261 be adopted as an emergency measure to be effective immediately upon filing with the Secretary of State and to be operative July 1, 1968.


JOHN C. MONTGOMERY, Director
State Department of Social Welfare

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(Pursuant to Government Code Section 11380.1)

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JUN 28 1968

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 27, 1968

By: John C. M. [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUN 28 1968

At 3:45 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

DIVISION 30 PROGRAM STANDARDS FOR SOCIAL SERVICES
CHAPTER 30-350 DAY CARE SERVICES FOR CHILDREN

30-351 OBJECTIVES

To provide protection, care and developmental experiences, through use of group facilities or family day care homes for children of preschool and school age, whose parents or caretakers need child care when they are at work, engaged in training, or education, are away from the home for other reasons, or where children have special needs (10-051.6)

30-353 Introduction

Day care services are comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool, and school-age children outside their own homes during a portion of the day. Day care services require provision of supporting activities including administration, coordination, admissions, training and evaluation.

A day care facility is any place where day care is provided, and includes family day care homes, day nurseries, children's centers or other types of day care centers.

30-355 Legislative Requirements

The 1967 congressional amendments to the Economic Opportunity Act and Social Security Act require a common set of regulations and coordination at state and local levels for day care services receiving funds under:

Title IV of the Social Security Act

Part A AFDC
Part B CWS

Title I of Economic Opportunity Act (Manpower Program)

Title II of Economic Opportunity Act

Head Start and versatile community action programs

Title III of Economic Opportunity Act

Program for migrants (by July 1, 1969)

Title V of Economic Opportunity Act

Part A Work Experience Program
Part B Day Care

Effective 7/1/68

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

30-357 Conditions for Federal Funding

30-357

- .1 The county welfare department shall assure that the regulations in this chapter are met in administering its day care services program and in the facilities which it establishes, operates, or uses through contract or purchase of care.
- .2 Day care facilities shall be licensed or meet the applicable state licensing requirements.
- .3 All the required services identified in Section 30-357 shall be provided. If a day care facility used by the county welfare department does not provide all the required services the county welfare department shall assure that those lacking are provided.
- .4 Requirements apply to all day care services initially funded, on or after July 1, 1968, and those continuing to be funded after this date.
 - .41 A county welfare department may be allowed one year from the effective date of these regulations for compliance provided there is evidence of progress and intent to comply.
 - .42 All new day care facilities intending to use federal funds directly or indirectly, established after the effective date of these requirements, shall comply prior to federal funding.
 - .43 An existing facility may be granted time to comply if evidence of good intent and progress is shown.
- .5 Comply with Title VI of 1964 Civil Rights Act. All day care facilities and operations must comply with this act which requires that services be available without discrimination on the basis of race, color, or national origin.

30-359 Day Care Advisory Committee

30-359

- .1 County welfare departments administering day care services in behalf of 40 or more children and each day care facility receiving federal funds for the care of 40 or more children shall have an advisory committee.
- .2 Such committees must include not less than one-third parents or parent representatives selected by the parents.
- .3 The county welfare department day care committee may be a part of, or separate from, the Family and Children's Services Advisory Committee (see Section 10-032), but in any event it must conform in membership to Sec. 30-359.2.
- .4 The advisory committee shall advise on the implementation and program development of the day care services program.

30-361 Day Care Plans

30-361

- .1 County welfare departments using federal day care funds from any of the sources enumerated in Section 30-357 shall submit a Day Care Services Plan in accordance with Section 10-211, County Plans.

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 (Pursuant to Government Code Section 11380.1)

30-361 Day Care Plans (cont.)**30-361**

- .2 After October 1, 1968, use of Title IV B, CWS funds for day care services shall be restricted to services not fundable under IV A, as recipients, former recipients or potentials, and shall be contingent upon the availability of funds.
- .3 Approval of plans will be in accordance with the regulations in this chapter. Any proposed deviations shall be approved in advance by the State Department of Social Welfare.

30-363 Administration of Day Care Services Program**30-363**

The county welfare department shall:

- .1 Provide for the development, publication and dissemination of policies and procedures governing:
 - .11 required program services - health, education, constructive development experiences, social services, nutrition, parent involvement and education.
 - .12 intake and eligibility for care and services.
 - .13 financing, fees, expenditures, budgeting and any procedures needed for coordination or combined funding within or between day care programs.
 - .14 relationships with community, including education about the program.
 - .15 continuous evaluation, improvement and development of the program in quality and expansion as needed.
- .2 Provide records and reports as required.
- .3 Provide coordination to reduce duplication in service, and promote continuity of care and service.
- .4 Provide orientation and ongoing inservice training for all staff involved in the day care services program for professionals, nonprofessionals and volunteers, with respect to program goals, nutrition, health, child growth and development, the meaning of day care, educative guidance, remedial services and relationships to the community.
- .5 Provide for scheduled evaluation of program and incorporation of needed changes into ongoing plans of operation.

30-365 Families Eligible for Day Care Services**30-365****.1 Required**

Day care shall be provided for children in all of the following groups:

- .11 AFDC families with parents in training for employment or receiving educational or vocational rehabilitation services.
- .12 Children of AFDC parents in training for employment and receiving vocational rehabilitation services.
- .13 Employed AFDC mother requiring day care.
- .14 Any assistance family or potential or former recipient family where day care is appropriate as a part of the provision of social services by the county welfare department such as in protective services or compensatory education.

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 (Pursuant to Government Code Section 11380.1)

 PROGRAM STANDARDS FOR SOCIAL SERVICES
 DAY CARE SERVICES FOR CHILDREN

30-367

30-365 Families Eligible for Day Care Services (cont.)

30-365

.2 Recommended

Day care may be provided for low income - non-AFDC families who are potential or former recipients receiving training for employment, or educational or vocational rehabilitation services, or who are residents of a target area of special needs, such as migrants.

30-367 Purpose for Which Day Care Funds May Be Expended

30-367

Day care funds may be used for:

.1 Purchase of Care

Purchase of care for individual children or by contract, for families eligible under Section 30-365 from licensed family day care homes, licensed day nurseries, from children's centers meeting licensing standards, from EOA funded day care facilities and other jointly funded facilities.

.2 Direct Operation of Day Care Centers

Direct operation of day care centers funded wholly or from several of the sources of federal funds in Section 30-355 or other sources and which meet licensing regulations in Title 22, Chapter 3, California Administrative Code. In direct operations the following costs are reimbursable:

- .21 Staff salaries, training, employee benefits and travel costs for employees engaged in the establishment and operation of day care centers administered by the county welfare department; required medical examinations for child care staff when not otherwise available.
- .22 Food, food preparation, utilities, transportation, play materials, play equipment, household supplies and children's furniture.
- .23 Liability and other insurance.
- .24 Space, minor renovations, rent, etc., but not capital outlay.

.3 Additional Staff in County Welfare Departments

Staff salaries, employee benefits and travel costs for child welfare supervisors, workers, aides, and volunteers, added to perform one or more of the following duties:

- .31 Assess the extent and location of the need for day care; the resources currently available; the types and location of additional day care facilities needed (i.e., family day care homes; day nurseries, etc.).
- .32 Develop a program for the extension of day care services; coordination of all day care services; establishment of and work with advisory committee;
- .33 Develop and provide day care placement and social services for children for whom the county welfare department will provide day care or make payment for care.

CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

PROGRAM STANDARDS FOR SOCIAL SERVICES

Regulations

30-367

DAY CARE SERVICES FOR CHILDREN

30-367 Purpose for Which Day Care Funds May Be Expended (cont.) 30-367

- .34 Expenses of developing and maintaining the Advisory Committee (See Section 30-357) including meeting attendance expenses, supportive staff and other technical assistance.
- .35 Provide counseling and referral service for other parents seeking day care resources.
- .4 Operation of neighborhood family day care services
 - .41 Financial reimbursement is available for salaries and for the following:
 - .411 Space, including safe outdoor play space for children, furnishings, equipment, and supplies needed in establishing the home for the care of the children, e.g., floor covering, cribs or cots, sheets, blankets, play equipment, teaching materials, and other supplies;
 - .412 Maintaining the facility, e.g., rent, heat, utilities, laundry, and cleaning;
 - .413 Food and food preparation for the children in care; and
 - .414 Liability insurance and other insurance protection.
 - .42 Services provided by such employees shall meet applicable licensing regulations for the type of care provided, though a license is not required.

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Effective 7/1/68

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(Pursuant to Government Code Section 11380.1)

PROGRAM STANDARDS FOR SOCIAL SERVICES
DAY CARE SERVICES FOR CHILDREN

30-369 Services Required

30-369

.1 Social Services

- .11 Each family shall receive help in determining the appropriateness of day care, the best facility for a particular child, the care of siblings and referral to additional resources as needed.
- .12 Continuing assessment shall be made with the parent and the facility of the day care plan in relation to the child's adjustment in the facility and the family situation.
- .13 There shall be procedures for coordination and cooperation with other organizations offering resources needed by the child and his family.
- .14 Provision shall be made for a fee schedule to determine on an objective basis the ability of families to pay part or all of cost of day care and for payment of reasonable fees by parents able to pay.
- .15 Service aides shall be used in meaningful roles in the provision of social services.

.2 Health and Nutrition Services

- .21 The county welfare department shall assure that the health of the children is supervised by a qualified physician, preferably a pediatrician or physician especially interested in child health.
- .22 Each child shall receive dental and medical evaluations on entering day care and at subsequent intervals appropriate to his age and state of health.
- .23 Arrangements shall be made for medical and dental care and treatment for each child. Help shall be given as needed in use of existing community resources. In the absence of other financial resources, the county welfare department shall assume responsibility to see that no child is denied health services because his parents are unable to carry out an adequate health plan.
- .24 Each child shall have available to him all immunizations appropriate to his age.
- .25 Adequate health records on every child shall be maintained by the county welfare department, and by the facility used in the care of the child.

.3 Educational Services

- .31 Educational opportunities appropriate to every child's age regardless of type of facility in which enrolled shall be provided each child.

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(Pursuant to Government Code Section 11380.1)

DAY CARE SERVICES FOR CHILDREN

30-371 Location and Use of Day Care Facilities

30-371

- .1 Members of low income or other groups in the population and geographic areas which have the greatest relative need shall be given priority in the extension of day care facilities.
- .2 In the establishment or use of a day care facility, the following factors shall be taken into consideration:
 - .1 Travel time for both children and parents and convenience to the place where parents live and work so as to make participation in program possible.
 - .2 Potentiality for achieving equal opportunities for people of all racial, cultural and economic groups to use the facility.
 - .3 Availability of health and educational facilities.

30-373 Project Funds for Day Care

30-373

- .1 A portion of day care money has been set aside for cooperative projects. County welfare departments wishing to develop cooperative projects with other public or private agencies to obtain needed day care services, or to provide day care services other than those described above, may make application for project funds in the method set forth in Section 62-051, Demonstrations Project, Operations Manual. Before preparing a formal application, it will be desirable to contact the regional office of the State Department of Social Welfare, to discuss the proposed plan. Department staff will assist in developing a formal project proposal.

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(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following revisions and repeals respectively of the regulations of the State Department of Social Welfare are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

1. Revisions

Public Social Services Manual
Chapter 30-350: Day Care Services
for Children.

2. Repeals

Public Social Services Manual
Chapter 56-600: Day Care Services
for Children.

The following facts constitute the emergency with respect to the action upon the regulations listed above:

1. P.L. 90-248, the Social Security Amendments of 1967, requires a common set of standards for federal state and local agencies respecting day care services. These standards include the conditions for federal funding, the provisions respecting a Day Care Advisory Committee, the requirement of a day care plan, designation of administrative responsibilities and families eligible for day care services, the purposes for which funds may be expended, the services required, the location and use of day care facilities, and the identification of project funds for day care. Existing California regulations do not comply with these new requirements.
2. The above revisions and repeals of the departmental regulations will implement the federal requirements for the Day Care Services for Children Program to provide protection, care and developmental experiences, through use of group facilities or family day care homes for children of preschool and school age whose parents or caretakers need child care when they are at work, engaged in training or education, are away from the home for other reasons, or where children have special needs.
3. These revisions must be in operation in California on July 1, 1968, in order to comply with the new federal requirements.
4. A failure to revise the regulations prior to July 1, 1968, will result in the loss of federal funds which would have an adverse effect upon the public health, safety and general welfare.

The above revisions and repeals must, therefore, be adopted as emergency measures to be effective upon filing with the Secretary of State and to be operative as of July 1, 1968.

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The following regulations are to be repealed effective July 1, 1968:

Chapter 56-600 Day Care Services for Children

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: 6-29-68

By: *John C. McIntyre*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL - 1 1968

At 11:30 o'clock a.m.

FRANK M. JORDAN, Secretary of State

By: *John C. McIntyre*

Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

30-150 EMPLOYMENT, WORK INCENTIVE PROGRAM, SOCIAL REHABILITATION SERVICES

30-151 OBJECTIVES

30-151

AFDC

To evaluate and refer all appropriate AFDC recipients to the Work Incentive Program (WIN) or to other employment and training resources, and to provide such supportive social services ^{including child care (in home or day care)} to those referred and to their families as are required to assist them to effectively utilize these resources to achieve self-support.

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For appropriate persons in all categorical aid programs, to provide or arrange other specialized rehabilitation and activities programs which in concert with other services are directed to improvement of social functioning and adjustment. (See Sec. 10-051.3)

AFDC

.1 PERSONS COVERED BY THESE REQUIREMENTS

The following persons living in the home are covered by these requirements:

- .11 All fathers whose unemployment is the basis for deprivation.
- .12 Fathers whose incapacity is the basis for deprivation and whose physical, mental and emotional condition is such that rehabilitative services are considered to be feasible.
- .13 Mother, caretaker relatives, and other essential persons. Provision must be made to insure that no mother is referred to WIN, California Department of Employment or assigned to an Educational Training Program if her participation will be detrimental to the welfare of herself or her child.
- .14 Youth 16-21 who have left school or training within the last 30 days.

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30-153 DETERMINATION OF FEASIBILITY FOR EMPLOYMENT, EDUCATION AND TRAINING 30-153

AFDC By July 1, 1969, a plan shall be completed for each member of the family who can reasonably expect to be involved in employment training or education. For families coming on the rolls such a plan must be completed within six months. To assure that employment or training plans are being effectively implemented, they shall be reviewed at least annually.

It shall continue to be the responsibility of the caseworker to work with recipients to help them evaluate their potential, develop long-and short-range plans for employment, and to encourage their participation in a program with these goals in mind.

.1 Classification

Review all AFDC-U cases to insure that they are properly classified with respect to the basis of deprivation. If an AFDC recipient is physically, mentally, or socially impaired, determine whether incapacity is the more appropriate basis for deprivation or whether the recipient should be advised to apply for Aid to the Disabled. Any AFDC father having an impairment which adversely affects his capability for employment shall be classified as incapacitated and when appropriate referred to ATD for determination for eligibility of that program. AFDC aid payments will continue until a determination is made.

.2 Determination

Determine for each federally eligible AFDC recipient whether he is an appropriate referral to WIN or if WIN is not available, is appropriate for assignment to an Educational Training Program ^(ETP) or a Social Rehabilitation Services ^(SRS) Program. (See Section .3 below)

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.3 Medical Examination

AFDC

The primary purpose of the medical examination is to place the recipient properly in training programs and jobs which match their physical capabilities. It is also used to disclose physical defects which are correctable and should not be used to exclude any recipient solely on the basis that he is not in good physical condition.

Form CA 243 (Medical Examination) is obsolete. Form CA 341 (Medical Examination and Work Capacities Evaluation) replaces the obsolete CA 243. Since this form may be used by ATD, WIN and the Department of Employment, and the Department of Rehabilitation, no substitute will be permitted.

.31 Right to Request Physical Examination

Each potential referral for WIN, employment or ETP assignment must be advised orally and in writing of his right to request, without prejudice, a physical examination.

.32 Apparent Health Problem

A medical examination will be arranged when in the caseworker's judgment there is indication of a physical or mental problem which needs to be evaluated in order to determine whether the recipient is a suitable candidate for referral to employment, WIN, or Educational Training Program or when such an examination is necessary to assure that the person is properly placed in employment, training, an educational program, or with Social Rehabilitation Services.

A report of a recent examination will be considered adequate if it contains the information required to complete a form CA 341 (Medical Examination and Work Capacities Evaluation).

.33 Place of Medical Referral

If a physical examination is indicated, the recipient shall be referred to his own physician or if the recipient does not have his own physician to an appropriate clinic or hospital of his own choice.

.34 Information Included in Report

The report of the physical examination will include the date of the examination, a report on the extent of the examination and the findings, a specific report on all laboratory procedures and the findings. Form CA 341 (Medical Examination and Work Capacities Evaluation) will be used for obtaining this information.

.35 Restorative Medical Services

Counties are urged to provide restorative medical services directly related to the recipient's employability utilizing all available resources such as the vocational rehabilitation and Title XIX programs. Such services include the provision of items such as eye-glasses, hearing aids, cosmetic dentistry, and similar services.

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AFDC .4 Appropriate Referrals to WIN and/ or Educational Training Program

Referral to WIN and/or Educational Training Program for AFDC-U ^{Fathers currently engaged} in, or whose usual occupation is, seasonal farm labor shall be deferred until the peak seasonal farm labor demand, as determined by the California Department of Employment, is past. Referral to WIN for these cases shall be made within 30 days following the peak season. For special regulations regarding farm labor see Regulation 42-340.

The following shall be considered appropriate for participation in a Work Incentive Program and/or Educational Training Program. Referrals will be made according to the priorities listed below. WIN referrals take precedence over Educational Training Program assignments:

.41 AFDC Unemployed Fathers (Federally Eligible)

- .411 Unemployed fathers currently participating in a Community Work-Training Program or a Work Experience and Training Program under Title V of the Economic Opportunity Act. These fathers will be referred immediately.
- .412 Other AFDC-U fathers on aid at the time of the effective date of these regulations. They shall be referred to WIN no later than the time of the next reinvestigation of eligibility.
- .413 Newly approved cases with AFDC-U fathers. These shall be referred to WIN within 30 days after receipt of the initial aid payment. Federal participation will cease on the 31st day if the referral is not made.

.42 Mothers, Caretaker Relatives, ^{and other essential Persons} In Training

Mothers, caretaker relatives, and other essential persons who volunteer and are currently participating in a Community Work and Training or Title V Work Experience and Training Program.

.43 Youths

Youths, sixteen years of age and over who have left school or training within the past 30 days and for whom there are not educational plans under consideration.

.44 Mothers, Caretaker Relatives, and Other Essential persons Not in Training - No Preschool Children

Mothers, caretaker relatives, and other essential persons who volunteer but are not currently involved in a Community Work and Training Program or a Work Experience and Training Program, and who have no preschool children.

.45 Mothers, Caretaker Relatives, and Other Essential Persons With Preschool Children - Not in Training

Mothers, caretaker relatives, and other essential persons who volunteer as stated in Section 30-153.44 and have preschool children.

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AFDC .5 Cases Not Referred to WIN, Employment or Educational Training Program

No referral will be made to WIN or to the Education Training Program for participation of an individual described in Section 30-153.4 if the recipient is:

- .51 A person with illness, incapacity, or advanced age;
- .52 A person so remote from any project or activity that he cannot effectively participate.
- .53 Youth 16-21 attending school full time;
- .54 A recipient whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; or
- .55 A person involved in an individual training program, outside the context of WIN or ETP which is likely to provide full self-support for the individual and his dependents.
- .56 A person whose presence in the home is required because adequate child-care services are not available, or where the participation of the person would be inimical to the welfare of the child or family.
- .57 An AFDC-U father working at his usual occupation as a seasonal farm laborer. Referral to WIN or Educational Training Program shall be deferred until the end of the peak harvest season, as determined by California Department of Employment.
- .58 A mother with children whose participation would be detrimental to her welfare or that of her children, even if she volunteers.

AFDC 30-155 RESPONSIBILITIES OF AFDC-U & FG PERSONS IN REGARD TO EMPLOYMENT 30-155

- .1 Where there is no contraindication of ^{the unemployed father's} ability to work and there is reasonable expectation that employment will be available, registration with the California Department of Employment may be required prior to the granting of aid. In no instance shall a California Department of Employment referral be required prior to acceptance of an application.
- .2 Continuing eligibility for aid, where the basis for deprivation is the unemployment of the father is conditional upon his registering with the California Department of Employment.
 - .21 A referral to WIN meets the registration requirement.
 - .22 In non-WIN counties, registration must be made within 30 days of receipt of the initial aid payment except provided in 30-153.41.
- .3 Unemployed fathers must accept any bona fide offer of employment unless there is good cause for refusal (See Section 30-151). A bona fide offer of employment is a verified offer to a particular father of a specific job at a stated wage.
- .4 A mother who has skills which will provide sufficient income to meet the needs of herself and her children may be required to accept a bona fide offer of employment Section 30-155.3 provided that:

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AFDC

- .41 Such employment would not be detrimental to her welfare or that of her family and an acceptable child care plan is available.
- .42 That she is capable of meeting both her homemaking responsibilities and the demands of her employment. If the mothers present skill is such that her earnings would not meet the full needs of the family, the county shall determine with her, her interest and capability of increasing those skills so that full self support can be attained. A determination shall be made as to whether a plan to upgrade her skills is feasible in terms of her becoming totally self-supporting in a relatively short period of time as opposed to continued supplementary assistance for a longer period of time or the likelihood of her need to periodically return to the welfare rolls.

30-157 REGISTRATION WITH THE EMPLOYMENT SERVICE

AFDC

When the basis for deviation is the unemployment of the father, he must register with the Department of Employment.

- .1 When WIN is available, registration will be accomplished by referral to that program as set forth in 30-175.
- .2 For fathers not eligible for WIN, or when WIN is not available, the following procedures shall apply: (*For Time Limitation see 30-155.22*)
 - .21 The county welfare department shall complete Form CA 330, Referral to Employment Services, which the applicant will take to the designated office of the Department of Employment. The Department of Employment will, as soon as possible, complete the reverse of Form CA 330, Preliminary Report of the Department of Employment, and mail it to the county welfare department.
 - .22 Information known to, and actions taken by, either agency with respect to an individual may affect the work of the other agency. It is therefore important that procedures be established by which each keeps the other advised of the current status of each individual. Two forms will be used for this purpose.
 - .221 CA 331, Notice of County Welfare Actions, for use by the welfare department to notify the California Department of Employment of situations and actions which may affect their services as provided in Attachment A, Section 4, CA 331.
 - .222 CA 333, Report to County Welfare Department, for use by the California Department of Employment to notify the county welfare department of any situations or actions which may affect a plan of services or eligibility as provided in Attachment A, Section 4, CA 333. The circumstances about the situation will be described by the California Department of Employment on the report or as an attachment.

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30-159 REFUSAL TO ACCEPT EMPLOYMENT OR TO PARTICIPATE IN WIN

AFDC

- .1 For persons referred to WIN, the California Department of Employment will determine whether or not there is good cause for refusal of employment or participation in WIN. If the recipient requests a fair hearing, the California Department of Employment will conduct such hearing and the decision of that hearing will be binding on the welfare department.
- .2 For persons not referred to WIN, the welfare department will determine whether or not there is good cause for refusal of employment. If the recipient requests a fair hearing, such hearing will be conducted by the State Department of Social Welfare.

30-161 GOOD CAUSES FOR REFUSAL OF EMPLOYMENT WHEN FATHER HAS NOT BEEN REFERRED TO WIN

AFDC

A father, where the basis of deprivation is his unemployment, and who has not been referred to WIN, who refuses to accept a bona fide offer of employment will be considered to have "good cause" for the refusal when one or more of the following factors were present:

- .1 The job was not within his physical or mental capacity.
- .2 The job was excessively dangerous or hazardous.
- .3 The wages offered for the job were lower than the rates prevailing for similar work in the community or lower than the minimum rates established by the California Labor Code for such work, whichever is higher.
- .4 The job was available due directly to a bona fide strike, lockout or other labor dispute recognized as such by the California State Employment Service.
- .5 Acceptance of the job would have conflicted with the imminent likelihood of reemployment at his regular occupation.
- .6 The job was located at such a distance from his residence that in relation to available transportation, his health, his family situation and/or travel time required that acceptance of the job would have caused undue hardship or been inconsistent with community practice.
- .7 Acceptance would have precluded the completion of:
 - .71 A training or educational program designed to develop new or improved skills to which the individual had been assigned or encouraged or permitted to enter, on the basis of the following criteria:
 - .711 The individual's present occupation and skills in relation to the market demand for that occupation were such that his earning capacity was insufficient to prevent periodic or continuous dependency on aid.
 - .712 The occupation for which he was being trained would so increase his potential earning capacity that the likelihood of the family's dependency on aid would be substantially reduced.
 - .72 A manpower development training program for which the person had been selected by the California State Employment Service.
 - .73 Vocational rehabilitative training services offered by the State Vocational Rehabilitation Service.
- .8 He was unable to report for work due to his own illness or to take care of a member of his family requiring his care and he was unable to make other arrangements.
- .9 The job would have required him to "live in," away from his family.

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30-163 COUNTY ACTION WHEN DETERMINATION HAS BEEN MADE THAT THE
 RECIPIENT HAS REFUSED TO PARTICIPATE IN WIN OR ACCEPT
 EMPLOYMENT WITHOUT GOOD CAUSE.

30-163

- AFDC .1 A recipient who is found not to have good cause for refusal to participate in WIN or accept employment will be given a 60-day period to reconsider his refusal (see 30-163.2 for exception). During this period he will be given counseling by the case worker or other services aimed at overcoming obstacles to his participation in WIN or take employment in which he is able to engage. This 60-day period shall begin either seven days after the refusal, or in the case of a WIN referral following an adverse decision to an appeal to the Department of Employment, if one has been filed.
- .11 If such recipient is a relative receiving AFDC, his needs shall be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments will be made during the 60-day counseling period. If, after this period, he continues to refuse to participate, his needs shall not be taken into account in determining the families need for assistance, and assistance in the form of protective or vendor payments for the remainder of the family will continue to be made.
- .12 If the recipient is the only dependent child in the family, assistance for the family will be discontinued after the 60-day counseling period.
- .13 If the recipient is one of several dependent children in the family, assistance for that child shall be discontinued after the 60-day counseling period and his needs shall not be taken into account in determining the family's need for assistance;
- .14 If the person is not a recipient, his needs, after the 60-day counseling period, will not be taken into account in determining the family's need for assistance.

.2 Seasonal farm workers

When a seasonal farm worker whose referral to WIN has been deferred as identified in Section 30-153.4 is found not to have worked, without good cause, the usual number of hours, action shall be taken as described in Regulations Section 42-340.53.

30-165 SOCIAL REHABILITATION SERVICES

30-165

AB
 ATD
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AFDC

- .1 County welfare departments shall provide services and activities to improve social adjustment and family functioning. Activities might include courses in child rearing, home management, marketing, group cultural activities, etc. These services may be provided for AFDC recipients and recipients of other categorical aids.

Social Rehabilitation centers may provide a means by which the individual can improve his functioning, including preparation for later involvement in training for self support.

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30-175 WORK INCENTIVE PROGRAM

30-175

AFDC**.1 DEFINITION OF REFERRAL**

A referral is the transmission of completed forms Number CA339 and CA340 by the caseworker to the Department of Employment's WIN section or office to the effect that the recipient described in the form has been determined to meet the criteria for referral, and has been directed by the welfare department to appear in person at an office of WIN when notified in writing of his appointment. Such referral precludes the need for registration with the Employment Service.

.2 PROMPT REFERRALS

Referrals shall be made promptly and will not be deferred because there is no project activity under the Work Incentive Program to which recipients can be assigned. The individual will not be expected to report to the WIN office until such time he is notified in writing by that office of the date and time of his appointment.

.21 Seasonal Farm Workers:

.211 During the peak harvest season, the seasonal farm worker shall be referred directly to CDE for immediate employment in farm labor.

.212 Within 30 days after the peak farm labor season has terminated and the recipient is no longer fully employed, he shall be referred for enrollment in WIN, in WIN counties.

.3 REFERRAL PROCEDURE

.31 Completion of Pre-enrollment Analysis Form and Applicant History. The case worker shall complete three copies of Section 1 and 2 of the Pre-enrollment Analysis Form number CA340 and two copies of the Applicant History Form number CA339.

.311 The referral is completed when two copies of form CA340 and one copy of form number CA339 (accompanied, when indicated, by a report of a medical examination) is sent to the local WIN office.

.312 After enrollment, WIN may request the county welfare department to obtain a medical examination to assist in properly placing the individual.

.32 Notification of Personal Interview

WIN will notify the recipient and the county simultaneously in writing of the date set for a personal interview. If the recipient fails to keep his scheduled interview, WIN will notify the recipient and the welfare department and give a new date and time for the interview. WIN may request the help of the caseworker when indicated. Upon receipt of the notice of failure to report for the original interview, the caseworker will discuss with the recipient his reasons and will encourage him to keep the second appointment.

.33 Coordination with WIN Team

There should be continuing coordination, cooperation, and planning between the caseworker and the WIN team during the entire WIN process.

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AFDC .4 ENROLLMENT

Enrollment is acceptance of the referral by WIN. All AFDC recipients referred to WIN will be:

- .41 enrolled in WIN and assigned
- or
- .42 enrolled in WIN and held until an assignment can be made
- .43 if the State Department of Employment WIN Team questions the appropriateness of the referral and is unable to resolve the issue with the referring caseworker, the matter is referred to the Case Review Committee. The Case Review Committee makes the final determination as to appropriateness of the referral from welfare.

.5 COUNTY ADMINISTRATIVE RESPONSIBILITY

The county welfare department shall:

- .51 Appoint official representative(s) to maintain liaison and coordination in the county and assure intra-agency coordination. The representative(s) should be at a high enough administrative level so that decisions can be promptly made.
- .52 Appoint a member of the social work supervisory staff as the social work member of the WIN Case Review Committee.
- .54 Determine with WIN how a proposed AFDC recipient member of the Case Review Committee^{is to} be selected.
- .53 Arrange for staff training, particularly with respect to provision of services, determination of appropriateness and proper referral to WIN. (Joint interdepartmental training is desirable.)
- .55 Arrange for appropriate controls within the welfare department to identify referrals made to WIN to insure that the department fully meets its responsibilities to refer, and to secure feedback about referrals made. Statistical information will be gathered so that the program can be evaluated.

.6 EFFECT OF WIN ON AFDC ELIGIBILITY

AFDC will not be denied because of a referral to the Work Incentive Program or because of a recipient's participation on a project under a program of institutional and work experience training or of special work projects.

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AFDC .7

REFUSAL TO ACCEPT EMPLOYMENT OR TRAINING WITHOUT GOOD CAUSE

.71 WIN Responsibility to County Welfare Department

When a WIN-referred recipient refuses without good cause to accept employment in which he is able to engage or to participate in a Work Incentive Program project, WIN shall (after providing opportunity for fair hearing conducted by the California Unemployment Insurance Appeals Board) notify the county welfare department and submit all the information on the refusal.

.72 Determination of Good Cause to Refuse Employment

In the event a recipient who has been referred to the Work Incentive Program refuses to accept employment which is offered to him by an employer, whether directly or through the employment service or the county welfare department, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made only by the California Department of Employment (after providing opportunity for fair hearing within the appeal procedures established by WIN) and will be binding on the county welfare department.

.73 Return of Referral to County Welfare Department

In the event a recipient referred to WIN should need to be referred back to the county welfare department as having good cause for not continuing on a training plan or a job, the county welfare department shall promptly reassume the responsibility for cash payment of the assistance to which he is entitled if that responsibility had previously been delegated to the California Department of Employment.

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CHAPTER 31-200 EDUCATIONAL TRAINING PROGRAM

31-201 PURPOSES

31-201

AFDC

(ETP)

The goal of the Educational Training Program is to aid the recipient to compete more effectively in the labor market and increase his chance for self-support.

Counties may engage in the ETP for any of the following reasons:

- .1 When there is no Work Incentive Program in the county, or
- .2 When the Work Incentive Program has not achieved its capacity to enroll ^{and assign} all appropriate federally eligible AFDC recipients.

31-203 PLAN REQUIREMENTS

31-203

AFDC

- .1 Plans for ETP must be included in the county plan of services (see Section 10-211)
- .2 The county plan ^{for ETP} must include the following:
 - .21 Written concurrence by all agencies whose normal functions include any activity which the county department plans to provide or arrange for directly. There will be no federal reimbursement for services provided directly by welfare departments which duplicate services available from other agencies. This includes responsibilities and activities of the Departments of Employment, Rehabilitation and Education.
 - .22 The plan for projects and/or activities must include provision for the following:

Recipient participation shall be voluntary. No recipient

 - .221 should be encouraged to enter into any training activity unless there is a reasonable assurance that he can gain full self-support as a result of this training activity.

Provision must be made to insure that no mother is assigned to an Education Training Program if her participation will be detrimental to the welfare of herself or her children.

 - .222 All expenses of training ^{and employment} must be met, including the \$25 standard allowance. Other expenses will include such things as transportation, tools, ^{union dues}, books, equipment, and special clothing. Child care must be arranged or provided for in all instances.
 - .223 Computation of wage credits is not permitted. Time spent in any activity will depend on the activity and its purpose. For example, a student is normally expected to spend three hours study or research for each classroom hour. Therefore 10 hours of classroom activity ^{week per} would be considered full time.
- .23 Substantiation of how training activities will be supplemental to the sponsoring agencies established functions.
- .24 Substantiation that training performed on projects will not result in the displacement of regular workers or replace work which would normally be performed by regular employees.

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31-205 PROGRAM STANDARDS

31-205

AFDO

The following general standards are established for the planning, development and administration of Educational Training Programs. County welfare departments shall adhere to the specific standards set forth in the succeeding sections.

- .1 The program in all of its aspects must be designed to contribute to the maximum development of the recipients' potential for self-support through overcoming the effects of educational deprivation, conserving or improving existing skills; and developing new skills.
- .2 The program must be so administered as to give consideration to individuals' needs, capacities, abilities and aptitudes.
- .3 The program must provide for the coordinated and appropriate use of two major elements: (1) to upgrade recipient skills, (2) to increase earning capacity.

.31 Training Projects:

These are projects in which one or more recipients are assigned to a sponsoring agency (another public agency, the county welfare department or a nonprofit agency) for on-the-job training and performing work of benefit to the public.

.32 Organized Group Instruction:

This is the means through which remedial and/or vocational education is provided to enable recipients to overcome educational deficiencies blocking their chances for employment or vocational training.

.4 Agreements with Sponsoring Agencies

On-the-job training may be performed for public agencies, public and private nonprofit agencies but not for private profit-making interests. Written agreements spelling out the specific responsibilities of the sponsoring agency and the county welfare department shall be developed.

Individual training specifications shall be developed and will include name and title of supervisor, length of training, material to be covered in the training and the job for which the recipient should be able to qualify at the end of his training.

All agreements and training specifications with sponsoring agencies must be included in the county plan of services. (Prototype of individual training specifications is attached to these regulations.)

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AFDC

.5 Training Projects

Training projects are designed to provide on-the-job work-training for participants. Development of projects should be geared to the needs of recipients rather than being exclusively concerned with the needs of sponsors. Any work performed must not displace, or adversely affect regularly employed workers, nor provide a service normally and continually met by a federal, state, county, municipal or other public agency. Activities for which the sponsoring agency has previously provided funds will not be considered as an appropriate project since the sponsoring agency must show that it has maintained its previous efforts.

.51 Types of Projects

All training activities must have clearly defined training components and be geared to the job needs of the local community. Suggested training activities may be classified under the following two broad types.

.511 Projects designed to develop new or improved skills through the planned coordination of on-the-job training and related instruction. Participants will need to be carefully selected on the basis of their ability to absorb the training and instruction. These kinds of projects would be closely geared to the purpose of producing well-trained workers for a competitive labor market.

.512 Projects designed to improve, or conserve existing skills. Participants will be given an opportunity to use their skills and through useful job experience and related vocational instruction or adult education to increase their skills and employment opportunities.

.6 Standards for Training Programs

In developing training programs, certain minimum standards are required of the sponsoring agency which the county welfare department must insure are met. These include: (61) project standards, (62) health standards, (63) safety standards, (64) work standards, (65) standards for workmen's compensation protection.

.61 Project Standards

Training projects must meet the following standards:

.611 On-the-job training must be performed for a useful public purpose. This prevents any work which is performed to benefit private persons or interest but does not exclude voluntary nonprofit agencies and institutions.

This requirement does not preclude arrangements with private employers, voluntary agencies or other private resources for on-the-job training which meet the standards established by the Division of Apprenticeship Standards or Department of Rehabilitation. The grant may not be used as payment for any work performed.

.612 Except for activities of a supplementary, nonrecurring or emergency nature, projects may not involve already established functions of the sponsoring agency. This restriction applies to normal maintenance and upkeep activities of the sponsoring agency but for which the governing body for whatever reason, has not appropriated funds.

.613 Activity performed on projects must not result in the displacement of regular workers or in the performance of work that would otherwise be performed by such employees.

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AFDC.62 Health Standards

All workers assigned to projects must have the following protection against hazards or activities which might adversely affect their health:

.621 See Section 30-153.3 for physical examination requirements.

.622 Foremen and supervisors of training projects must be advised to be alert to the health conditions of the assignees and be instructed to send home any worker who appears to be, or claims to be, ill; and to report such cases to the county welfare department.

.623 Any participant who is absent because of illness or injury, other than a minor incident (as a cold, gastrointestinal disturbance, or similar ailment which usually incapacitates for three days or less), must have written medical clearance before he is permitted to return to the project.

.624 Proper sanitary facilities available on all projects, and basic standards of cleanliness must be maintained.

.625 Adequate first aid supplies must be maintained at all project facilities and be so located that they are easily accessible to all participants.

.63 Safety Standards

Project participants must be provided with the same safety equipment as are provided regular employees of the sponsoring agency. If safety provisions are lacking in the sponsoring agency, the county welfare department is responsible for assuring that the following protective features are established and maintained for project participants:

.631 Placing responsibility for safety conditions upon the project supervisor with sufficient authority to enforce good standards for the prevention of injury.

.632 Providing the supervisor, and through him the project participants, with basic safety education and training pertinent to the type of activity being performed.

.633 Providing safety clothes and equipment as needed.

.634 Requiring periodic safety inspections.

.635 Requiring records and reports of all injuries.

.636 Investigation of injuries to determine cause and preventive measures that can be taken.

.637 Encouraging the formation of safety committees on projects when appropriate.

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AFDC.64 Training Standards

Training projects must be operated in accordance with the following commonly accepted standards:

- .641 Participants will be assigned to projects commensurate with their vocational interests and potential and physical and mental capacities in order to develop skills and improve employability.
- .642 When organized group instruction is an integral part of the training plan for an individual, his hours of participation in project activities must be adjusted to class hours.
- .643 Assignments which are punitive, degrading, abusive, or which would tend to cause ridicule of the participant are prohibited.

.65 Workmen's Compensation Protection

All persons assigned to training projects must be covered by the county for Workmen's Compensation Insurance or comparable protection.

31-207 ORGANIZED GROUP INSTRUCTION

31-207

AFDC

- .1 Relationship to Total Educational Training Program: Organized group instruction, together with training projects constitute two major elements of an educational training program. The goal of the program to help people conserve skills and develop new skills, requires the coordinate use, on a planned basis, of remedial education, on-the-job training, vocational education. The remedial and vocational education required to supplement and complement the on-the-job experience afforded by assignment to training projects, is provided through the medium of organized group instruction.

.2 Types of Instruction.21 Remedial Education

Remedial education involves instruction designed to remedy educational deficiencies which preclude the successful pursuit of vocational education, job training, or employment. This includes:

- a. A course or series of courses of instruction in basic elementary subjects designed to overcome illiteracy or functional illiteracy.
- b. A course or series of courses of instruction in secondary subjects when these are required as prerequisites for successful pursuit of vocational educational, job training, or job placement.

Effective 7/1/68

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**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

AFDC.22 Vocational Education

This is a course or series of courses of instruction that deal specifically with the acquisition of skills, understandings, attitudes, and abilities that are necessary for entry into and successful progress within a particular occupation.

.23 Sources of Instruction

Adult educational services of the public school system of the state are the primary resources for the provision of organized group instruction. Junior colleges, state colleges, University of California and other public and private schools are additional resources.

31-209 PURCHASE OF SERVICES**31-209**AFDCEmployment

Services provided by the California Department of /school districts, and Rehabilitation Service shall be used whenever available. These Services include registration, testing and vocational counseling, referral for or provision of training and individual job development. If these services are not available from public sources, the county welfare department may provide them but must have the written concurrence of the agency which would normally provide such services.

Services geared toward a goal of self-support for any individual or group may be purchased so long as they meet one of the following conditions:

- .1 The facility from which the service is to be purchased meets existing licensing laws, if applicable or the facility meets standards established by the SDSW.
- .2 Adult education subject to purchase is limited to those courses:

Not otherwise available and to which at least ten public assistance trainees have been assigned or referred by a county welfare department as part of that agency's service program.

and

Which would not be available to such trainees other than through purchase of this service:

- (1) Because no course which meets the specific needs of public assistance recipients is currently offered by a school district,

or

- (2) Because a course which is currently offered would have to be substantially modified by adding or deleting one or more segments of the curriculum in order to meet the specific needs of public assistance recipients.

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 (Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective July 1, 1968:

Department Bulletin 636 (Revised)

Community Work and Training

Public Social Services Sections 42-400 through 42-415

Releases 5 and 7 of Department Bulletin 629 (Revised)

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following revisions and repeals, respectively, of the regulations of the State Department of Social Welfare are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421 (b) of the Government Code:

Revisions

Public Social Services Regulation Chapters:

30-150: Employment, Work Incentive Program, Educational-Training Program and Services to Improve Social Adjustment

31-200: Educational Training Program

Repeals

Department Bulletin 636 (Revised)

Community Work and Training

Public Social Services Manual Sections 42-400 through 42-415

Department Bulletin 629 (Revised), Releases 5 and 7

The following facts constitute the emergency with respect to the action upon the regulations listed above:

1. Public Law 90-248, the 1967 Amendments to the Social Security Act, established the Work Incentive Program for federally eligible AFDC recipient families and at the same time repealed those sections of the 1962 Social Security Act Amendments which created the Community Work and Training Program. Additionally, the Office of Economic Opportunity has taken steps to phase out the Title V counterpart of the Community Work Training Program.

2. The revisions of the departmental regulations will implement the Work Incentive Program, to establish, under county option, education-training services to supplement the Work Incentive Program where it is not fully established in any county, and to provide for such other social rehabilitation services as are necessary to improve individual and family social functioning and adjustment, and will also repeal departmental regulations inconsistent with the amended law.

3. Failure to revise the regulations prior to July 1, 1968, so as to make them part of the "State Plan" this State has on file with the Department of Health, Education, and Welfare of the United States under Title IV of the Social Security Act prior to July 1, 1968, will prevent the claiming of additional federal funds available under Public Law 90-248.

4. The loss of federal funds will necessarily have an adverse effect on available services and thus on the public health, safety and general welfare.

The above revisions must, therefore, be adopted as emergency measures to be effective upon filing with the Secretary of State and to be operative as of July 1, 1968.

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

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JUL - 9 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

JUL - 9 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: June 29, 1968

By:

John C. M...

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL - 9 1968

At 9:45 o'clock a.m.

FRANK M. JORDAN, Secretary of State

By *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

23-403. REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED

23-403

AB The following forms are required to be completed for the purposes indicated
ATD in the instructions for their use except that the county may use a substitute
OAS form which provides substantially the same information. State approval of
AFDC substitute forms is necessary only when designated by asterisk (see Appendix,
PSS Manual).

OAS	AG 158	Budget Worksheet - OAS
	AG 206	Recipient's Reaffirmation of Eligibility for Old Age Security
	AG 239	Notice of Action - Old Age Security
	AG 239A	Notice of Action - Old Age Security
	AG 239C	Important Notice to all OAS Recipients
	AG 246	Notification of County Finding of Liability of Responsible Relative
	AG 261	Service Referral/Completion Report

Effective 9/1/68

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**CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)**

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
IN STATE HOSPITALS (Continued)

40-167

AB
ATD

.5 Specific Application and Investigation Procedure

When a person who is about to be released on leave of absence or discharged from a state hospital will be in need of financial assistance and wishes to apply for aid the application and investigation procedure is as follows:

Unless the county and state hospital work out a different mutually satisfactory procedure, the State Department of Mental Hygiene, acting on behalf of the applicant, applies for aid to the county (see Section 40-125).

.51 If there is no guardian or conservator of the applicant's estate, by:

.511 Preparing, in triplicate, the ABCDM 200 and BL or DA 201.

.512 Transmitting the original and one copy to the county (see .514 below for ATD only).

.513 Filing one copy in the applicant's hospital file.

ATD .514 Prepare in triplicate Forms DA-1A and DA-2. The original of each form is sent to the state disability review team, one copy is sent to the county with the ABCDM 200 and DA-201 and one copy is retained in the applicant's hospital file.

AB .52 If there is a guardian or conservator of the applicant's estate, by:

ATD

.521 Preparing, in quadruplicate, the ABCDM 200.

.522 Transmitting the original and one copy to the county (see .525 below for ATD, only).

.523 Filing one copy in the applicant's hospital file.

.524 Sending one copy to the guardian or conservator.

ATD .525 Prepare in triplicate Forms DA-1A and DA-2. The original of each form is sent to the state disability review team, one copy is sent to the county with the ABCDM 200 and one copy is retained in the applicant's hospital file.

AB
ATD

The patient who is to be released on leave of absence is considered to "live" in the county from which he was admitted to the institution. Whenever possible and consistent with a sound plan for the patient, the State Department of Mental Hygiene will endeavor to return him to the county from which he was admitted when he is released on leave of absence. However, such a placement plan is not always possible or in the best interest of the patient. If the patient on leave of absence is to be cared for in a county other than the county from which he was admitted, the county from which admitted is still the county in which he is considered to "live" and primary responsibility for the public assistance case rests with that county. However, as provided in Section 40-125, the county in which he is to be cared for is also responsible for providing needed service to the patient and for cooperating with the county of primary responsibility, with the State Department of Mental Hygiene and the SDSW Protective Social Services Division, in planning for the patient's care outside the institution.

Effective 9/1/68

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**CONTINUATION SHEET
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(Pursuant to Government Code Section 11360.1)

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
IN STATE HOSPITALS (Continued)

40-167

AB
ATD

The application by the State Department of Mental Hygiene will include or will be accompanied by:

- a. A statement that the patient is ready for leave of absence or discharge and that it appears he will be in need of assistance.
- b. A statement that application for aid is being made on behalf of the patient with his knowledge and consent (provided he is capable of such) or, if a guardian or conservator of the estate has already been appointed, that the application is being made with the knowledge and consent of such guardian or conservator. In such case, copies of the letters of guardianship or conservatorship are to be sent to the county with the application.
- c. A resume of the social data in the hospital records and all significant information in the hospital records relating to financial and service needs of the patient and to eligibility factors such as residence, age, relatives, property (real or personal), income, etc.
- d. Information as to the living arrangements which will be available for the patient when eligibility to aid has been established.

If it appears a guardian will be needed, the hospital social worker will provide the county with a statement to that effect at the time the application is initiated.

- .53 The county is responsible for the usual investigation of eligibility and for granting or denying aid. The State Department of Mental Hygiene may be asked to obtain further information from the applicant or to make collateral calls in the county in which the institution is located.

If there is a guardian or conservator of the applicant's estate other than the state hospital, the county is responsible for securing the DA or BL 201 (see Section 40-151.3).

Wherever possible, the patient and/or his guardian or conservator are to be interviewed by a representative of the county during completion of the investigation of eligibility.

If the person on whose behalf the State Department of Mental Hygiene has filed an application has no guardian of his estate but will need one, the county will, upon receipt of such an application, assist in arranging a satisfactory guardianship for the applicant. While efforts are being made to arrange guardianship, the county will proceed with the investigation of eligibility. (See Section 40-151 re completion of the Affirmation of Eligibility, Form 201, when protective service in the form of guardianship is necessary.) When the Affirmation of Eligibility is completed by a guardian or by another person acting in behalf of the applicant as provided in Section 40-151, one copy of the affirmation is given to such person and one is sent to the applicant in care of the Hospital Social Service Department.

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(Pursuant to Government Code Section 11380.1)

40-167 APPLICATION AND INVESTIGATION PROCEDURE FOR APPLICANTS
IN STATE HOSPITALS (Continued)

40-167

AB
ATD

Applicant Found Eligible or Ineligible

When the review team finds the applicant eligible or ineligible one copy of the DA-3 is sent to the state hospital and one copy to the county.

Application Referred for More Information

Whenever the state review team defers for additional information the team sends the DA-3 in triplicate to the hospital. Another copy is sent to the welfare department for informational purposes. It is the responsibility of the hospital to supply the additional information to the review team by sending it back to them attached to a copy of the DA-3. A copy of the additional material is attached to second DA-3 and sent to the county. The third copy is to be retained in the patient's hospital file.

If the hospital does not have the information requested by the team but believes this may be known to the county or that the county can secure the information requested, it is the hospital's responsibility to contact the county and ask that the information be forwarded to the review team in the usual manner. A copy of the additional information should be sent to the hospital at the same time it is sent to the team.

- .54 Just prior to the granting of aid, the county obtains verification from the hospital that a plan has been completed for the applicant to leave the institution when aid is granted.
- .55 Immediately after county action either granting or denying aid, the applicant and/or the person acting in his behalf and the state hospital from which the applicant is to be given a leave of absence or discharge are notified of the action taken. If aid is granted and the applicant has no guardian of the estate, the first warrant is mailed to him in the state hospital. If there is a guardian of the estate, the warrant is mailed to the guardian.
- .56 At the time the first warrant is mailed, two copies of Form ABD 235, Certification from State Department of Mental Hygiene of Applicant's Release from the State Hospital, are sent by the county to the State Department of Mental Hygiene for completion.
- .57 Upon release of the patient from the hospital, one copy of the completed Form ABD 235 is returned to the county paying aid.

Effective 9/1/68

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
JUL 10 1968
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ENDORSED
APPROVED FOR FILING
(GOV. CODE 11380.2)
JUL 10 1968
Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: JUL 9 1968

By: *J. C. McIntyre*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

JUL 11 1968

At 3:30 o'clock P. M.

FRANK M. JORDAN, Secretary of State
By: *Frank M. Jordan*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

071-15 SALARIES WITHIN OFFICIAL RANGES IN COMPENSATION PLAN 071-15

The salary paid to each employee covered by the Merit System Regulations shall be at one of the steps approved for the class to which his position has been allocated, except that under the conditions outlined in Section 071-17, temporary payment of a salary above the maximum step for the class may be authorized.

071-16 RECRUITMENT ABOVE MINIMUM STEP IN SALARY RANGE 071-16

In addition to the provisions of Welfare Personnel Standards Section P-740 regarding recruitment rates, the following conditions shall apply to entrance salaries above the minimum step for new employees in Merit System counties:

- A. Recruitment rates above the lowest step shall not be used as a substitute for salary range increases.
- B. A recruitment rate above the third step shall only be authorized temporarily until the county's next compensation plan review and in no case for more than two years from the date of such appointment above the third step.
- C. Welfare Personnel Standards Section P-740 shall be implemented as follows:
 - 1. To establish the existence of the "difficult recruitment conditions" referred to in Section P-740.1, the appointing authority shall submit to the SDSW adequate written evidence that no qualified applicants will accept employment at a step in the salary range lower than the proposed recruitment step.
 - 2. For all appointments made under the provisions of Section P-740.2, adequate written evidence concerning exceptional qualifications shall be submitted to SDSW.

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 (Pursuant to Government Code Section 11380.1)

071-17

SALARY ABOVE MAXIMUM STEP FOR CLASS

071-17

- A. Subject to the approval of the appointing authority, an employee's salary may remain the same, even though it is above the maximum for his current class, until such time as the maximum for that class surpasses his salary, under the following circumstances:
1. His position is reallocated to a class with a lower salary range, or
 2. His class is not changed but the salary range for the class is lowered, or
 3. His class is eliminated due to automation or technological change and he accepts demotion to a position in a lower class in lieu of lay-off.
- While the employee continues to receive this "red circle" or "Y" rate (salary remains above the maximum step for his class), he shall receive no further salary increases.
- B. If an employee accepts a temporary out-of-class assignment in a higher class in accordance with Welfare Personnel Standards Section P-690.1, the appointing authority may authorize a salary above the maximum of the employee's regular class for the duration of that temporary assignment.

071-18

SALARY ADJUSTMENTS WHEN RANGE CHANGES

071-18

As of the date when salary range changes become effective for one or more classes in a county, the salary for each employee in a class affected shall be adjusted to the step in the new range corresponding to the step in the prior range.

071-19

SALARY ADJUSTMENT UPON PROMOTION

071-19

- A. When an employee is promoted in the same county, his salary shall advance to at least the step in the range for the higher class which is nearest above his salary rate in the lower class.
- B. The provisions of Sections 071-15 and 071-16 shall apply to promotions from another Merit System county or another approved merit system to a new Merit System county.

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071-20

SALARY ADJUSTMENT UPON DEMOTION

071-20

- A. When an employee is demoted for disciplinary reasons, the appointing authority shall select the applicable step in the salary range of the employee's new class.
- B. When an employee is demoted voluntarily or in lieu of lay-off due to reduction in force or for any reason other than disciplinary action, he shall receive the maximum rate for the class to which he is demoted, if it is below his rate before demotion, unless the provisions of Section 071-17 are applied.
- C. The employee's new rate of pay established under A. or B. of this section shall not exceed the rate authorized immediately preceding demotion.

071-21

SALARY ADJUSTMENT UPON TRANSFER

071-21

- A. When an employee transfers from one class to another in the same county, his salary shall be adjusted to the step in the new range corresponding to the step in the prior range.
- B. When Merit System coverage is extended to an employee's position in accordance with Welfare Personnel Standards Section P-15.1, his rate of pay shall remain the same if the salary range is the same. However, if his position is allocated to a class with a higher maximum salary, he shall receive the rate in the new range nearest above the rate last received in the prior range. Section 071-17,A,1 may apply if appropriate.
- C. When an employee transfers from a class in one Merit System county or in an approved merit system to a class in another Merit System county, the new appointing authority shall select the _____ step in the salary range of the employee's new class, subject to the provisions of Section 071-16,c

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071-22 SALARY ADJUSTMENT UPON REINSTATEMENT AFTER SEPARATION

071-22

- A. When an employee is reinstated in the same county to the same or a comparable or lower class within three years of his resignation from that county, he shall not receive a salary rate which is above his former step in the current salary range for his class immediately preceding such resignation.
- B. Except as provided in the paragraph above, when an employee is reinstated after resignation from a Merit System county or another approved merit system, the new appointing authority shall select the step in the salary range of the employee's new class, subject to the provisions of Section 071-16,C

071-23

SALARY ANNIVERSARY DATES

071-23

- A. When an employee is promoted, demoted, transferred between counties, reinstated, or originally hired, the effective date of such action shall be his new salary anniversary date, unless the countywide regulations provide otherwise.
- B. Anniversary dates for salary increases shall remain the same when the salary range for an employee's class changes or he transfers in the same county to a new class, unless the countywide regulations provide otherwise.

Effective 9/1/68

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071-24

TWO OR MORE SALARY ACTIONS EFFECTIVE ON SAME DATE

071-24

When two or more of the following salary actions become effective on the same date, they shall be implemented in the following order:

1. Anniversary merit salary increase in employee's class, if granted by the county.
2. Salary range increase, if granted for employee's class in accordance with Section 071-18, Salary Range Increases.
3. Salary decrease due to demotion.
4. Salary change in connection with transfer in the same county.
5. Salary increase resulting from promotion.

For items 3, 4, and 5 above, the salary range effective for the new class on that same date shall apply.

071-25

MERIT SALARY INCREASES

071-25

- A. Within-range merit salary increases shall be granted only upon the specific written recommendation of the appointing authority. Such increases shall be based on quality and length of the employee's service. They shall ordinarily be given at one-step intervals once a year until the maximum step in the range is attained.
- B. Merit salary increases given more frequently than once every six months or at more than one-step intervals shall be permitted only when written justification of Board of Supervisors' action submitted by the appointing authority is approved by the SDSW.

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Organization and Administration WELFARE PERSONNEL STANDARDS 071-06 (Cont.)
071-06 MERIT SYSTEM SALARY PLAN STANDARDS - (CONTINUED) 071-06
California County Merit System Salary Plan

EXECUTIVE	SOCIAL SERVICES	SPECIAL SERVICES					SALARY	
		Day Care	Staff Develop.	Financial Adjustment	Community Relations	Misc.	Range	Steps
CWD V						Med. Consult.	42	1812-2208
							41.5	1768-2154
							41	1725-2101
							40.5	1683-2050
							40	1642-2000
							39.5	1603-1951
							39	1564-1903
							38.5	1527-1857
							38	1490-1812
							37.5	1454-1768
CWD IV							37	1419-1725
							36.5	1385-1683
							36	1351-1642
							35.5	1318-1603
							35	1286-1564
							34.5	1255-1527
							34	1225-1490
							33.5	1196-1454
							33	1166-1419
							32.5	1139-1385
CWD III	DSSD II SSS IV						32	1111-1351
							31.5	1084-1318
							31	1058-1286
							30.5	1033-1255
							30	1008-1225
							29.5	983-1196
							29	960-1166
							28.5	936-1139
							28	914-1111
							27.5	891-1084
CWD II	SSS III SSS II DSSD I SSP II		SDS II		Com. Rel. Coord.	SS PI Supv	27	870-1058
							26.5	849-1033
							26	829-1008
							25.5	810- 983
							25	790- 960
							24.5	771- 936
							24	753- 914
							23.5	735- 891
							23	717- 870
							22.5	700- 849
CWD I	SSS I SSP I SSW III SSW II SSW I	DCG Supv.	DCG Dir.	SDS I	Fin. Res. Supv. Supv. Invest.	Emp. Cons. II MC Supv.	22	683- 829
							21.5	666- 810
							21	650- 790
							20.5	634- 771
							20	619- 753
							19.5	605- 735
							19	590- 717
							18.5	576- 700
							18	562- 683
							17.5	548- 666
						Com. Rel. Wkr.	17	536- 650
							16.5	523- 634
							16	510- 619
							15.5	498- 605
							15	486- 590
							14.5	474- 576
							14	463- 562
							13.5	450- 548
							13	440- 536
							12.5	429- 553
		DCG Aide				Prop. Invest.	12	419- 510
							11.5	408- 498
							11	399- 486
							10.5	389- 474
							10	380- 463
							9.5	371- 450
							9	362- 440
							8.5	353- 429
							8	345- 419
							7.5	337- 408
						Welfare Aide Homemaker	7	329- 399
							6.5	321- 389
							6	313- 380

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(Pursuant to Government Code Section 11380.1)

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JUL 18 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

JUL 18 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: July 16, 1968

By: John C. McIntyre

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 18 1968

At 1:20 o'clock P. M.

FRANK M. JOHNSON, Secretary of State

By: John C. McIntyre
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

CHAPTER 30-050 PROTECTIVE SERVICES FOR ADULTS

30-051 OBJECTIVES

30-051

To remove or prevent danger resulting from unsafe or hazardous living conditions, neglect or exploitation, or limitations in the individual's ability to act in his own behalf or to manage his own affairs. (See Section 10-051.2.)

AB
ATD
OAS

.1 Protective-supportive services shall be provided to adults who:

- .11 Are living in conditions which, structurally or environmentally constitute a hazard to the life or health of any occupant, or in conditions which constitute a hazard to the life or health of an individual because of his personal frailty, physical or mental handicap, or physical or social isolation; or
- .12 Are being deprived of adequate food, clothing, or housing because their aid payments are being diverted for the use of others; or who are being required by family members, a boarding or a nursing home operator, or other persons in whose homes they reside to remain physically or socially isolated or to do physical work beyond the individual's capacity; or
- .13 Need help because of physical handicap or frailty or impaired judgment, in performing all or some of the activities of daily living, or in managing their money or personal business affairs; or
- .14 Because of impaired judgment or physical or mental handicap, require help to make and carry out plans for moving out of medical institutions (both for the physically ill and for the mentally ill) into nonmedical living arrangements or more appropriate medical facilities in the community; or who require such help to handle their daily living activities so that they can remain in their own homes or in alternate nonmedical living plans in the community and avoid placement in medical institutions; or
- .15 Because of impaired judgment, lack of transportation, or other limitations, are not receiving medical attention or are not following a prescribed medical plan.

Effective 7/1/68

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CHAPTER 30-100 PROTECTIVE SERVICES FOR CHILDREN

30-101 OBJECTIVES

30-101

To forestall or reduce the need for action by law enforcement agencies, probation departments and courts on behalf of children in danger because they are without parents, proper guardianship or custody, are being abused, neglected or exploited, or are being damaged by the conduct of parents, guardians or custodians, and to bring such child protection problems to the attention of appropriate courts or law enforcement agencies. (See Section 10-051.2.)

.1 Child protective services shall be provided in behalf of:

- .11 Children who are without parents, proper guardianship, or custody; and
- .12 Children who are being neglected, exploited or abused; and
- .13 Children whose general welfare is being damaged by the conduct of parents, guardians, or custodians, whether willfully or otherwise.

CHAPTER 30-300 OUT-OF-HOME SERVICES FOR CHILDREN

30-301 OBJECTIVES

30-301

For children who cannot remain in their own homes, to provide temporary or long-term 24-hour placement, care, protection or treatment in emergency shelter care, foster family care, group care, institutional care or residential treatment facility. (See Section 10-051.5.)

30-302 SERVICES TO CHILDREN, PARENTS, AND FOSTER PARENTS WHEN FOSTER CARE IS REQUESTED

30-302

- .1 Where AFDC in foster care is requested and no other agency is providing a placement service, the county shall assist the responsible relative or other person by providing placement services.
- .2 Definition: Placement services are defined as planned activity to determine whether foster care is necessary, develop the best possible plan when out-of-home care is needed, assist the foster parents or institution to provide the best substitute care, strengthen the parent's relationship with the child, and plan for the child's return home when possible, or referral to an adoption agency when indicated.

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REQUIRED SERVICE PROGRAMS
30-303 OUT-OF-HOME SERVICES FOR CHILDREN Regulations

30-303 SERVICES TO CHILDREN IN FOSTER CARE AND THEIR PARENTS 30-303
WHEN A CHILD HAS BEEN REMOVED FROM HIS HOME BY COURT
DETERMINATION

The responsibilities of the probation department and county welfare department are:

- .1 To develop a plan for the care of the child in foster care.
- .2 To place the child in a foster home or private institution and provide supervision to assure proper care.
- .3 To provide for periodic review at least every six months of the necessity for the child to remain in foster care. The case record must clearly show that conditions for federal participation, as specified in Section 44-323.4 were met including but not limited to the following:
 - .31 The assessment of the suitability of the plan;
 - .32 The need for the child to continue in foster care; and
 - .33 The possibility that the child can eventually return to his home or be placed in the home of a relative.
- .4 To provide for services to improve conditions in his home so that he may return there, or to make possible his placement in the home of another relative (i.e., family counseling, individual casework services, group counseling, health services).
- .5 To provide reports to the court as required, or as indicated by the case development.
- .6 To use professionally qualified AFDC and Child Welfare staff to the maximum extent practical in the placement service for the child under the supervision of the county welfare department.

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Regulations	REQUIRED SERVICE PROGRAMS FAMILY PLANNING SERVICES	30-453
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CHAPTER 30-450 FAMILY PLANNING SERVICES

30-451 OBJECTIVES 30-451

For persons requiring assistance, and on a voluntary basis without regard to marital status, to provide counseling and educational services, and referral for medical advice and services with respect to child spacing, fertility and sterility. (See Section 10-051.8.)

30-452 FAMILY PLANNING - DEFINED 30-452

AB Family planning is the promotion of responsible parenthood through fertility
ATD control and sterility correction
OAS
AFDC .1 Freedom from coercion or pressure of mind or conscience must be guaranteed all persons so that they actually have a free choice concerning family planning. There can be no free choice unless alternatives are known.

30-453 COUNTY WELFARE DEPARTMENT RESPONSIBILITY 30-453

Each person for whom family planning services are appropriate, and who is eligible for Services, shall be offered information and assistance with respect to such Services. The worker shall initiate and conduct discussions with respect to family planning, and shall:

- .1 Convey the philosophy that family planning is primarily a health concern between the individual or family and the physician;
- .2 Provide information regarding resources for family planning services, including any local alternatives (family doctor, Family Planning Agency, family planning clinic through the local health department);
- .3 Assist persons who wish to investigate further or utilize available resources in the community; and to follow up on referrals;
- .4 Assure that each person with whom family planning is discussed is at all times free from coercion or pressure, or any persuasion to accept family planning service against his or her will.

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DIVISION 10 ADMINISTRATIVE STANDARDS FOR SOCIAL SERVICES

CHAPTER 10-000 OBJECTIVES AND DEFINITIONS

10-005 OBJECTIVES

10-005

The objectives of Public Social Services are:

- .1 Achievement and maintenance of reasonable standards of living and health.
- .2 Attainment or retention of the maximum degree of self-care within the capabilities of each individual.
- .3 Attainment or retention of the maximum degree of self-support within the capabilities of each individual.
- .4 Preservation, rehabilitation, or strengthening individual or family functioning.
- .5 Prevention of or remedy for neglect, abuse or exploitation of children or adults.

10-007 DEFINITIONS

10-007

.1 Objective

A statement of a condition to be attained, a target towards which a specific activity is directed.

.2 Program

An administrative aggregate of services and resources.

.3 Service

Any activity directed towards the achievement of one or more of the objectives outlined in Section 10-005.

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CHAPTER 10-030 COUNTY RESPONSIBILITY FOR SERVICES

10-031 ORGANIZE AND ADMINISTER TO MEET OBJECTIVES

10-031

- .1 The basic responsibility of the county welfare director is to organize, staff and administer the county welfare department so as to best achieve each of the objectives stated in Section 10-005.
- .2 The county welfare director shall provide for the administration of public social services according to the description in the approved county plan (submitted in accordance with Section 10-207).

10-032 FAMILY AND CHILDREN'S SERVICES ADVISORY COMMITTEE

10-032

- .1 The county welfare director is responsible for establishing and working with an advisory committee relating to both policy development and program implementation of the AFDC and CWS programs.
- .2 The committee must include representatives of other local public agencies concerned with Services; recipients of assistance or services or representatives of such recipients (who must constitute at least one-third of the membership of the Advisory Committee); representatives of professional, civic or other public or private organizations; and private citizens interested and experienced in Service programs. Recipients or their representatives must be selected in a manner that will assure that they are representative of the total recipient population.
- .3 The county may integrate existing advisory committees within the Family and Children's Services Advisory Committee, and may designate to all or part of the Advisory Committee the functions of the required Day Care Advisory Committee (see Section 30-354). In either event, the day care advisory group must have at least one-third of its membership drawn from recipients or recipient representatives.
- .4 Financial arrangements must be made so as to make it possible for recipients to participate in the work of the Advisory Committee.
- .5 Adequate staff assistance must be provided to the Advisory Committee to enable it to make effective judgments of the family and children's services.

10-033 UTILIZATION OF PUBLIC AND VOLUNTARY AGENCIES

10-033

- .1 The county welfare director is responsible for assuring that efforts of the staff of the county welfare department are such as to achieve maximum utilization of and coordination with other public and voluntary agencies that provide services comparable or related to public social services, that the use of such agencies will be based on a determination that services can in that way be provided more effectively or without significant additional cost, and that services provided by such other agencies will meet program standards established for public social service.
- .2 The county welfare director shall give thorough consideration to the use of other public and voluntary agencies as service contractors in appropriate cases.

10-034 DEVELOPMENT OF COMMUNITY RESOURCES

10-034

- .1 The county welfare director is responsible for initiating and participating in efforts to develop additional community resources which are necessary to the achievement of public social service objectives.
- .2 A current file of community resources available for the utilization in case planning shall be accessible to staff. Referral practices shall be formalized and disseminated to staff so that necessary community resources can be brought to bear for the benefit of the client.

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Regulations	ADMINISTRATIVE STANDARDS FOR SOCIAL SERVICES SERVICE PROGRAMS - GENERAL	10-051 (Cont.)
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CHAPTER 10-050 SERVICE PROGRAMS - GENERAL

10-050 SERVICE PROGRAMS - GENERAL	10-050
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The county welfare director shall make provisions in accordance with the county plan approved by the SDSW for the delivery of those Services needed to achieve the objectives of public social service either:

- .1 By staff of the county welfare department, including Services provided by volunteers; or
- .2 By purchase, contract or other cooperative arrangements with public or private agencies or individuals.

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES	10-051
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Each county welfare director shall make provision in the county plan and budget for all of the following services to be available in accordance with applicable definitions and standards:

.1 Intake, Information and Referral Services

To assist persons in securing needed services of the county welfare department and other agencies and to disseminate information about social, rehabilitative, health, employment and other services. (See Chapter 30-000.*)

.2 Protective Services

- .21 For adults, to remove or prevent danger resulting from unsafe or hazardous living conditions, neglect or exploitation, or limitations in the individual's ability to act in his own behalf or to manage his own affairs. (See Chapter 30-050.)
- .22 For children, to forestall or reduce the need for action by law enforcement agencies, probation departments and courts on behalf of children in danger because they are without parents, proper guardianship or custody, are being abused, neglected or exploited, or are being damaged by the conduct of parents, guardians or custodians, and where indicated to bring child protection problems to the attention of appropriate courts or law enforcement agencies. (See Chapter 30-100.)

.3 Employment, and Social Rehabilitation Services

To evaluate and refer all appropriate AFDC recipients to the Work Incentive Program or to other employment and training resources, and to provide such supportive social services including child care (in home or day care) to those referred and to their families as are required to assist them to effectively utilize these resources to achieve self-support; for appropriate persons in all categorical aid programs, to provide or arrange other specialized rehabilitation and activities programs which in concert with other services are directed to improvement of social functioning and adjustment. (See Chapter 30-150.)

* To be issued

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10-051 ADMINISTRATIVE STANDARDS FOR SOCIAL SERVICES Regulations
 (Cont.) SERVICE PROGRAMS - GENERAL

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES (Continued) 10-051

.4 Services to Strengthen Individual and Family Life

To provide services as required to families, family members, and individuals living alone to help them achieve to the maximum extent possible, improved social functioning and adjustment; a stronger or reunited family life including reduction of births out of wedlock; improved parent-child relationships; adequate child care and development; education; self-care; economic independence including effective management of available financial resources; and to mobilize community resources to improve the environment in which they live. (See Chapter 30-200.*)

.5 Out-of-Home Services

.51 For adults who cannot remain in their own homes or other independent setting, to provide placement, care, and supervision in a foster family setting, group care or nonmedical or medical facility. (See Chapter 30-250.*)

.52 For Children who cannot remain in their own homes, to provide temporary or long-term 24-hour placement, care, protection or treatment in emergency shelter care, foster family care, group care, institutional care or residential treatment facility. (See Chapter 30-300.)

.6 Day Care Services - Children

To provide protection, care, and developmental experiences, in a group facility or in family day care homes, for children of preschool and school age, usually living in their own homes, whose parents or caretakers need help in making child care arrangements for part of the day when they are at work, engaged in vocational training, or are away from the home for other reasons, and for children with special needs. (See Chapter 30-350.)

.7 Health Care Services

To provide for identification of need for preventive and remedial medical services, to assist parents, children, the aged, blind and disabled to locate organizations or individuals who are willing and able to provide medical and related health services of reasonable quality on a dignified basis, and to help such persons and families solve problems which may prevent them from obtaining needed medical services and from making optimum use of the services available. (See Chapter 30-400.*)

.8 Family Planning Services

For persons requiring assistance, and on a voluntary basis without regard to marital status, to provide counseling and educational services, and referral for medical advice and services with respect to child spacing, fertility, and sterility. (See Chapter 30-450.)

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10-053 RECOMMENDED SERVICE PROGRAMS

10-053

Each county welfare director shall take into consideration in the county plan the need for and the possibility of making the following services available to persons in need of public social services:

.1 Adoption Services

To provide children for whom adoption appears to be the best plan with a permanent home and new parents, with the same mutual rights and responsibilities as exist in natural parent-child relationships, including service of the natural parents, study and evaluation of the child and his needs; arranging for care of the child prior to adoptive placement; recruiting, studying and selecting adoptive homes; providing adoption placement and post placement services until adoption is legally consummated. (See Title 22, Division 2, California Administrative Code, Chapter 4.)

.2 Licensing Services

To provide inspection, evaluation, license and continued supervision of 24-hour and day care homes for adults and children, including residential care homes for the aged, foster family homes, family day care homes, and parent-child homes. (See Title 22, Division 2, California Administrative Code, Chapter 6.)

.3 Educational Training Program

To provide viable programs of education and training operated or administered by the county welfare department which have the objective of preparing AFDC recipients for employment until such time as the Work Incentive Program is fully operative and of sufficient scope and size to accommodate all appropriate and eligible for enrollment. (See Chapter 31-200.)

.4 Child Welfare Services

To provide all necessary services for the child and its family, without regard to financial need, legal residence, social status or religion, (1) to prevent, remedy or assist in the solution of problems which may result in the neglect, abuse, exploitation or delinquency of children; (2) to protect and care for homeless, dependent or neglected children; (3) to protect and promote the welfare of children of working mothers; and (4) to otherwise protect and promote the welfare of children including the strengthening of their own homes, where feasible, or where needed, the provision of adequate care of children away from their homes in foster family homes or day care or other child care facilities. (See Chapter 31-250.*)

.5 State Preschool Services (formerly Preschool Compensatory Education)

To assist parents and caretakers in the care and development of children between the ages of three and five by arranging for educational and life experiences by a preschool facility to compensate for social, economic, environmental, educational, cultural and family disadvantages and to provide an atmosphere of learning which motivates and prepares the child for a productive school experience, and which enables the parent or caretaker to better understand the child's needs and the importance of education in the child's development. (See Chapter 56-700.)

.6 Homemaker Services

To prevent family disruption or inadequate care of children or adults during periods of temporary stress precipitated by the absence, illness or behavior of the regular homemaker, caretaker or individual, by the placement in the home of a mature, specially trained person to act as a temporary substitute until the period of stress is ended, or to help family members achieve homemaking skills. (See Chapter 56-120.)

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CHAPTER 10-070 PERSONS TO BE SERVED

10-070 PERSONS TO BE SERVED

10-070

.1 Objective

The county welfare department shall establish as its objective the provision of public social services to all eligible persons, as described in accordance with sections 10-071, 10-072 and 10-073, who need such Services.

10-071 CATEGORICAL PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS

10-071

The county welfare department shall make available at least those Services described in Section 10-051 to persons applying for or currently receiving categorical public assistance (i.e., OAS, AB, ATD or AFDC) including each essential person living in the same home with the AFDC child and relative (see Section 44-213.1).

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC ASSISTANCE

10-072

.1 Definitions

.11 A "former recipient" is a person who received categorical public assistance within the preceding 24 months.

.12 A "potential recipient" is a person or family:

.121 Who is currently receiving categorical public assistance although federally ineligible, who is certified for MN - Medical Assistance to the Medically Needy, or who is currently receiving county general assistance; or

.122 Who would be eligible for AFDC if the earnings exemption applied; or

.123 Who is at or near the dependency level, including

a. Those who live in low-income neighborhoods served by a state service center or in a comparable neighborhood described in the county's plan, and

b. Those who are on leave of absence from state hospitals, and

c. Those who are in minority, migratory work, or other groups where the possible need for public assistance is unusually great; or

.124 Who is considered by the county welfare department, for reasons described in the county plan, as likely to become a recipient of public assistance within five years.

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10-072- ADMINISTRATIVE STANDARDS FOR SOCIAL SERVICES Regulations
(Cont.) PERSONS TO BE SERVED

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC ASSISTANCE (Continued)

10-072

.2 Services for Former and Potential Recipients

- .21 All individuals and families certified as Medically Needy are eligible for all required (Section 10-051) and recommended Services (Section 10-053) on the same basis as current applicants for or recipients of categorical public assistance when they request such Services.
- .22 The county welfare department shall make available for persons eligible as former and potential recipients at least the following listed Services as appropriate:
- .221 State preschool services, when requested, on the same basis as is provided to recipients in a county where such program is established;
- .222 Out-of-home services for children in foster care (by July 1, 1969);
- .223 Protective services for children (by July 1, 1970);
- .224 Day care services for children (by July 1, 1970).
- .23 The county welfare director may include in the county plan the provision for former and potential recipients of any of the other Services described in sections 10-051 and 10-053 as deemed essential to prevent or minimize the need for public financial assistance.
- .24 The county welfare director shall describe in the county plan the persons to be served as former and potential recipients and the steps to be taken in the progressive implementation of Services described in sections 10-072.222, 10-072.223, and 10-072.224 above.

10-073 SERVICES TO OTHER PERSONS

10-073

The county welfare director shall describe in the county plan all other persons established as eligible for public social services, which descriptions shall include persons eligible for each Service as established by regulations of the State Department of Social Welfare.

.1 Intake, Information, and Referral Services

All persons without regard to the need for public financial assistance are eligible for intake, information, and referral services.

.2 Child Welfare Services

The county welfare director shall make provision for progressively establishing, extending, and strengthening child welfare services (see Section 10-053.4) with the goal of making them fully available as a public social service by July 1, 1975. (Social Security Act, Section 422 (a) (2))

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CHAPTER 10-200 OPERATIONAL STANDARDS

10-201 ORGANIZATION

10-201

.1 Separation of Services Unit from Eligibility Unit

The county welfare director shall assure the provision of services in the OAS, AB, ATD and AFDC programs by a Services unit which shall be separate from the eligibility unit.

.11 This regulation shall be implemented not later than:

July 1, 1970, in the AB and ATD programs, and

July 1, 1971, in the AFDC program.

.12 This regulation is applicable to the OAS program on July 1, 1968, and may be implemented in the AB, ATD and AFDC programs between July 1, 1968, and the date specified in Section 10-201.11 above, subject to approval by SDSW of the county plan.

.13 Separation of eligibility and Service functions in the AB, ATD and AFDC programs does not require but may provide for

.131 Use of the class of eligibility interviewer, a nonsocial work, technical class, or a comparable class; and

.132 Use of case assignment pattern prescribed for OAS Eligibility Unit (i.e., use of the "banking principle").

.14 The use of the self-declaration process will be limited to the OAS and MN (Medical Assistance to the Medically Needy) programs until statewide standards and procedures are developed.

.2 Special Unit for Blind Aid

Administration of Aid to the Blind and Potentially Self-Supporting Blind shall be through a specialized bureau, provided the county has a caseload of 250 or more recipients of AB and APSB (W&IC 12506). In a county with such a specialized bureau, the separation of the Eligibility and Service functions shall be accomplished within the bureau.

.3 Unified Services for AFDC and CWS

The county welfare director shall establish during fiscal year 1968-69 a single organizational unit which shall result in a single, unified program of Services for families and children, with no differentiation as between AFDC and CWS and no separation of Services for AFDC and those for CWS.

.31 The single organizational unit shall be so structured that:

a. All parts of the service program, including policy control and program supervision, are under the control of its chief officer; and

b. The same subunits are responsible for setting the county's Service policies for both AFDC and CWS families; and

c. Child protective Services are provided by a specialized unit to every child in need of protection, regardless of family income.

.32 Counties in which the AFDC and CWS programs were legally authorized as separate agencies on January 1, 1968, are exempted from this requirement.

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Regulations ADMINISTRATIVE STANDARDS FOR SOCIAL SERVICES
OPERATIONAL STANDARDS 10-203 (Cont.)

10-203 STAFFING STANDARDS

10-203

.1 Objective

The objective of the county welfare director's staffing plan shall be the optimum utilization of all available personnel classifications and the assignment of specific personnel to perform functions most likely to achieve the objectives of public social service.

.2 Staffing and Budget Estimates

The county's approved budget for the county welfare department shall provide for sufficient positions to maintain annually and progressively implement the standards objectives and standards for public social service.

.21. The number of approved positions in the county's annual budget shall be based on reasonable estimation of staffing needs taking into consideration the projection of caseload trends, normal staff turnover, and orientation training, and shall be subject to increase during the year as indicated by a reappraisal of staffing needs at the mid-point in the fiscal year.

.22. The staffing standards in this chapter apply not only in the provision of services to current applicants and recipients of categorical assistance, but are equally applicable in the provision of services to former and potential recipients which the county welfare department may be required or elect to offer (see Section 10-072).

.3 Number of Social Work Positions.31 Prior to Separation of Eligibility and Service Functions

.311 The number of Social Worker positions in the approved county budget which the county welfare director is authorized to fill shall be sufficient to insure

- a. for Continuing Service Caseloads an average of 60 service cases or less for each Social Worker position; and
- b. for Intake an average of 60 new applications and reapplications or less assigned to each Intake Social Worker position during a quarter.

When nonservice cases are concurrently assigned with continuing service cases to a social worker, 1/60 of the worker's time must be allowed for work on each service case assigned (e.g., if 20 service cases are assigned, 20/60 or 1/3 of the worker's time must be allowed for work on such cases).

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10-203 ADMINISTRATIVE STANDARDS FOR SOCIAL SERVICES

OPERATIONAL STANDARDS Regulations

10-203 STAFFING STANDARDS (Continued) 10-203

- .312 The number of first-line Supervisory Social Work positions in the approved county budget which the county welfare director is authorized to fill shall be sufficient to insure an average of five or less Continuing Service or Intake Social Workers assigned to each Social Work Supervisor position.

When the required number of social worker positions (see Section 10-203.31 above) is divided by five and the remainder is greater than 2.5 positions, an additional supervisory position is required. When the remainder is 2.5 or less, an additional supervisory position is not required.

When a first-line Service supervisor is assigned additional responsibilities such as staff development activities or supervision of nonservice staff, 1/5 of the supervisor's time must be allowed for supervision of each social worker carrying a Services caseload (e.g., if 3 Service workers are assigned, 3/5 or 60% of the supervisor's time must be allowed for their supervision).

- .313 The county welfare director shall insure the adequate provision of appropriate staff in relation to the nonservice categorical caseload.

.32 Following Separation of Eligibility and Service Functions

- .321 The number of Social Worker positions in the approved county budget which the county welfare director is authorized to fill shall be sufficient to insure an average of 60 Service cases or less for each Social Worker position.

- .322 The number of first-line Supervisory Social Work positions in the approved county budget which the county welfare director is authorized to fill shall be sufficient to insure an average of five Social Workers or less assigned to each Social Work Supervisor position in the Services Unit. (See Section 10-203.312.)

.4 Staff Recruitment Program

Compliance by the county welfare department to the basic social work staffing standards noted above, must include an active and continuing Social Worker recruitment program which reduces to a minimum the number of authorized positions which are vacant.

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10-203 STAFFING STANDARDS (Continued) 10-203

.5 County Responsibility for Staffing

At the end of each calendar month, the county welfare director shall prepare a report which compares the ratio of the service caseload to authorized positions and the ratio of service caseload to filled positions; and he shall take such action as may be necessary to minimize the difference between the two ratios. A copy of the report, his conclusions, and action taken or proposed shall be submitted to the SDSW.

.6 Differential Workloads

.61 The county welfare director's staffing plan shall provide for differential workloads for social workers and first-line supervisors, within the averages described above, taking into consideration the difficulty of Services to be provided, the training and experience of the worker and the supervisor, and the availability of nonprofessionals, volunteers and other persons assigned to assist social work personnel.

.62 The county plan shall describe the caseload size established for each differentiated workload.

.7 Use of Services Aides

.71 The county staffing plan shall provide for Services Aide positions no later than July 1, 1969. Recipients or other persons with low income must be given preference in filling such positions.

.72 Employment of Services Aides shall be appropriately consistent with the personnel and career plan for the entire agency.

.73 Responsibility for the Services Aide program must be assigned to a specific staff member.

.8 Use of Volunteers (See Chapter 56-110)

.81 The county plan shall provide no later than July 1, 1969, for the recruitment and utilization of volunteers including senior citizens and young people wherever feasible in the provision of Services and assisting appropriate advisory committees.

.82 Provisions must be made for reimbursement of expenses in appropriate cases.

.83 Responsibility for the volunteer program must be assigned to a specific staff member.

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10-207 COUNTY PLAN

10-207

- .1 The county shall establish and maintain a basic plan for public social services which shall be approvable by the Director, State Department of Social Welfare, or his delegated agent, as meeting the standards for public social service.
- .2 Approval of the county plan is a required condition for other than county participation in the costs of Services described in sections 10-051 and 10-053.
- .3 The county basic plan shall describe the county's program of public social service with respect to each of the standards for such Service.
 - .31 The description shall be in the format prescribed by the State Department of Social Welfare.
- .4 Proposed substantive changes in the basic plan shall be submitted to SDSW between October 1 and March 31 preceding the fiscal year to which the change in plan applies.
 - .41 The specific date by which such changes shall be filed with SDSW shall be established jointly with each county, taking into consideration the budget cycle of the county, the workload of the SDSW, and other relevant factors.
 - .42 Proposed changes to be made within the current budget year shall be submitted to the State Department of Social Welfare for approval at least thirty days prior to the effective date of the change.

10-211 COUNTY PROGRAM EVALUATION

10-211

The county welfare director shall provide for an effective and objective means of regularly evaluating the results of the county's public social services programs in terms of the objectives in Section 10-005 and adherence to the established plan (Section 10-207).

- .1 The evaluation shall include a clear expression of overall results in relation to changes in the situations of people served. (See Case Review Requirement, 10-304.5.)
- .2 The evaluation shall be based on both qualitative and quantitative indicators of the agency's effort.
- .3 The evaluation shall include an assessment of the extent of unmet need in the county for a Service which the county welfare department is required to provide (Section 10-051).

10-213 SDSW REVIEW OF OPERATIONS

10-213

- .1 The SDSW will assess the county's operations under its approved plan through program and fiscal reviews, the county's own program evaluation (Section 10-211), and other appropriate means.
- .2 The county will be informed of the results of such assessment. If substantial inconsistency is found between the approved plan and actual operations, the county will be notified of the deviations and given a reasonable period for correction.
- .3 If operations are not brought into conformity with the approved plan, or if the county has not submitted a plan in accordance with prescribed standards (Section 10-207.2), federal and state participation in the costs of administering the public social services shall be reduced or terminated (Section F-270).

 Effective 7/1/68

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-217 REPORTING**10-217****.1. County Reporting System**

The county shall, in addition to meeting statewide reporting requirements promulgated by the Research and Statistics Manual of Policies and Procedures, establish and maintain a reporting system appropriate to the size of the county, which system shall provide reasonably valid countywide data on the need for and the extent to which it is currently providing public social services.

.2 Annual Report

The county shall prepare and submit to SDSW an Annual Report on Public Social Services.

.21 Content

The county's annual report shall show the results of the evaluation made in compliance with Section 10-211 and the county's updated objectives with respect to the findings of its evaluation and the extent of unmet need for public social service in the county (see Section 10-211.3).

10-219 USE OF CWS FUNDS**10-219**

(See Chapters 30-350 and 31-250)

.1 Reimbursement for Services

Effective October 1, 1968, reimbursement for the cost of services provided nonaided children and their families who qualify as former or potential recipients under the definition in Section 10-072 shall be claimed from public assistance funds.

.2 Cost Allocation Plan

Effective October 1, 1968, the rate of reimbursement shall be the same as the federal reimbursement rate for services in AFDC.

The amount reimbursed shall be dependent upon the availability of matching county funds but shall not exceed the amount allocated to the county by the State Department of Social Welfare.

10-221 STAFF DEVELOPMENT**10-221****.1 The staff development program of the county welfare department shall implement:**

Regulations and policies enumerated in the State Department of Social Welfare Staff Development Manual;

A plan of in-service training which provides staff assigned cases requiring or requesting services the essential knowledge and skill to enable them to effectively provide the services enumerated in Sections 10-051 and 10-053;

A plan for staff to participate in workshops and institutes and attend conferences;

A personnel appraisal policy which involves the individual worker in assessing his knowledge and skills in relating to his job performance and lays out a personal development plan which the agency and worker propose to follow to improve his job performance; and

Budgetary appropriations for training expenses, materials, and development of a library.

.2 The county staff development plan and the annual plan for continuing training required of all county welfare departments (Section SD-600 and SD-610) shall be considered a part of the county's basic plan for Social Services (Section 10-207).

Effective 7/1/68

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(Pursuant to Government Code Section 11380.1)

CHAPTER 10-300 PROGRAM STANDARDS**10-301 DETERMINATION OF NEED FOR SERVICE**

10-301

The county welfare director shall assure that the home conditions and situation, in addition to financial, of each person applying for or receiving state or federally-aided assistance or services are reviewed to determine the need for service.

10-302 OFFER OF SERVICE

10-302

Services appropriate to the individual's and family's needs shall be offered.

10-303 VOLUNTARY ACCEPTANCE OF SERVICE

10-303

- .1 The person or family shall be encouraged to accept those Services appropriate to his individual situation.
- .2 The person or family to whom a public social service is offered shall have a free choice to accept or reject that Service.
- .3 Refusal to accept Services shall not affect eligibility for financial assistance, except:
 - .31 By application of the penalty for refusing to cooperate in the WIN program or to accept a bona fide offer of employment (see Section 30-163); or
 - .32 By placing the individual or family under protective or vendor payments, as a result of money mismanagement (see Section 44-307).
- .4 The refusal of Service by a person, or by the parent, guardian or caretaker of a person who is in need of protective service shall not relieve the county welfare department of its responsibility to take appropriate action to intervene on behalf of such person.
- .5 The county welfare director shall assure that prior to accepting a person's rejection of a service which necessitates the county welfare department's action to modify the assistance payment or to refer the situation to a law enforcement agency, such person, or his caretaker or guardian, is given a clear explanation of the consequences of that choice.

10-304 PROVISION OF SERVICES

10-304

- .1 When service is requested or an offer of public social service is accepted, the county welfare director shall assure that a plan is established that is realistic, developed in cooperation with the individual or family, and takes into account the individual's need in relation to the family as a whole.
- .2 The plan and program of service shall provide for the maximum feasible effort to assist the person to achieve the specific objective of the service.
- .3 The plan and the activities undertaken with respect to the person's needs for service shall be reviewed as often as necessary but at least annually to assure that the objectives of the plan and program of service are being effectively realized.
- .4 The case of a person or family shall be in service status beginning on the date an active assessment of the need for social service is initiated and confines until the date on which the county welfare department by specific action terminates its status as a social service case.

10-305 CASE RECORD

10-305

The county welfare director shall assure, with respect to Services, that the case record summarizes any requests for Service, the agency's findings regarding the need for Service, the offer and acceptance or rejection of Service, the plan for provision of Service including the review of the plan and program of Service as required by Section 10-304.3 above, the dates between which the case was in active Service status and a description of the actual Services rendered and the goals achieved. (See other case record requirements, Chapter 48-000.)

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40-125 PROCESSING APPLICATIONS, REAPPLICATION, AND RESTORATIONS
(Continued)

40-125

AB | .6 Selection of Appropriate Program for Blind Applicants
APSB

In AB and APSB, if an individual appears to be eligible for both AB and APSB or for any other type of aid, it is the responsibility of the county to determine the program which would be more appropriate to his needs. APSB extends a presumed need for the exemption of a given amount of income and property, whereas under AB, a recipient with a plan for self-support can only have exempted those amounts of additional resources and income which are determined to be essential to further the particular plan for self-support. If the applicant or recipient is eligible for aid under either AB or APSB, he shall be granted aid under that program which is of greater advantage to him as measured by the amount of aid which he would receive. An application for AB may be used to grant APSB, if eligible therefor, or vice versa.

The determination of which program, AB or APSB, is more appropriate for the individual shall be made at the time of application for Aid to the Blind; also at the time of each reinvestigation. With some individuals this determination will be made oftener than annually, in order to stimulate toward employment those persons who are capable of accepting and benefiting from stimulation and encouragement in their efforts toward employment.

If the applicant does not meet the conditions of eligibility for a cash grant, the county shall, on the basis of the same application, determine whether he meets the conditions of eligibility for medical assistance as a medically needy person and, if so, make an appropriate certification.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

AB | .471 Income of Recipient with An Approved Plan of Self-Support
APSB

When the AB recipient has an approved plan of self-support, income and resources in addition to those specifically exempt as provided in Sections .1 through .4 above may be exempt from consideration. When the recipient receives funds under Title III of the Economic Opportunity Act, it is considered that such funds are received as a part of a plan for self-support and no portion of the funds is regarded as income.

AB | The following criteria shall be applied in relation to a plan
APSB for employment:

- (1) The individual must have a reasonably adequate plan which he believes may lead to employment; and
- (2) There must be evidence of a sincere and sustained effort toward the goal of employment.

Participation under any of the titles of the Federal Economic Opportunity Act (FEOA) constitutes an approved plan which may lead to employment. However, the receipt of funds paid to a relative on behalf of a youth obtaining training under Title I does not constitute a plan for employment for the relative.

In evaluating a proposed plan for employment, consideration is given to the work capacity of the individual and the existence of that type of employment opportunity. Lack of availability of employment in the community in which the recipient lives does not nullify his plan for employment if he is willing to move to an area where there is an opportunity for employment of the type in which he is interested, and from which he believes he can achieve employment.

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44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
 (Continued)

44-111

471 (Continued)

AB An applicant for or recipient of AB or APSB may be granted
APSB aid under AB for a period of 36 months and retain amounts
 of resources and income over and above those set forth in the
 Property Chapter and this chapter, provided:

- (3) The above criteria are met and the plan for employment is approved by the county, and
- (4) It is determined that the amounts of additional resources and income which the individual is permitted to retain are essential to further the particular plan for employment.

The individual's specific plan for employment shall be evaluated as to its adequacy. A precise determination shall also be made as to the amounts and kinds of additional resources and income, if any, which are required to implement the particular plan. The exemption of any additional resources and/or income can be in such amount as is needed to further the plan and can extend for only one 36-month period in the case of any given recipient of AB. At the expiration of such 36-month period a redetermination shall be made as to the status of the plan for employment. If the recipient has not achieved self-support but continues to have an adequate plan and to put forth a sustained effort, he shall be transferred to APSB if eligible therefor. Otherwise, he shall be continued on AB if eligible within the usual property and exempt income limitations of the program as set forth in Property and Income chapters.

A signal system shall be established by the county so as to permit easy identification at the end of a 36-month period, those AB cases in which additional income and resources are permitted to implement the plan for employment.

AB Aid for an otherwise eligible recipient shall continue until the recipient becomes self-supporting. Any determination by a county that the objectives of a plan for self-support have been realized shall be made on the basis of the particular circumstances involved with due regard for the necessity of continuing grants of aid until self-support has been fully achieved.

Self-support is considered to have been achieved if the recipient's earning pattern over a reasonable period of time demonstrates average earnings which are sufficient for self-support and which are likely to continue. For the purpose of determining whether a person has achieved self-support, monthly net income of a recipient shall be computed without deduction of the community property interest of a spouse in the income. Self-support for a recipient of AB means support for the recipient personally and does not include allowance for the needs of members of his family.

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Regulations AID PAYMENTS 44-323

44-323 PAYMENTS FOR CHILDREN IN BOARDING HOMES AND INSTITUTIONS (Continued) 44-323

.4 Child Removed From His Home by Court Determination

AFDC | .41 Criteria for Federal Participation

Federal participation in the cost of foster care payments is available for children in foster care when the following conditions are met:

- .411 The child is removed from his home or the home of a relative (see 44-213) after April 30, 1961, by court order because of neglect or unsatisfactory home conditions; and
- .412 In the month during which the court proceedings are initiated:
 - a. The child is receiving AFDC, or
 - b. The child received AFDC during at least one of the six months preceding his removal from the home by court order, or
 - c. The child would have received AFDC during at least one of the six months preceding his removal from the home had application for AFDC been made; and
- .413 The court order designates the county welfare department responsible for the placement, care and supervision of the child, or if there is a written agreement between the county welfare department and the probation office (see Section 29-405) that these services will be performed by the probation office, the court order designates the probation office responsible for placement, care and supervision; and
- .414 The child is placed in a foster care home or private children's institution that is licensed or approved as meeting licensing standards; and
- .415 There is a plan for the eventual return of the child to his home or placement in the home of a relative.

.42 Determination of Eligibility for AFDC for Prior Periods

Eligibility for AFDC under 44-323.412b and 44-323.412c for a prior period shall be determined on the basis of eligibility requirements in effect during the month in which court action is initiated.

This determination must establish that requirements for age, residence, property, deprivation and need are met.

Interpretation - The term "AFDC" as used in Section 44-323.412 means AFDC to a needy eligible child in a family group or in foster care, with or without federal participation.

CONTINUATION SHEET
I FILING ADMINISTRATIVE REGULATION
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The following regulations are repealed effective July 1, 1968:

Chapter 10-000 Organization and Management for Social Services
Chapter 10-100 Staffing for Social Services
Chapter 10-150 Standards for Optional Services
Chapter 10-200 Methods and Practices in Social Services

Division 45 - Services and Resources:

Chapter 45-000 Services - Introduction
Chapter 45-003 County Responsibilities for Social Study and
Provision of Services
Chapter 45-005 Eligibility and Rights
Chapter 45-021 Adults Who Need Protective Social Services
Chapter 45-075 Family Planning Services
Chapter 45-101 Families and Children for Whom Protective
Services Must be Provided

Chapter 56-050 Community Resources and Planning
Chapter 56-100 Complementary Services

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following new regulations, revisions, and repeals respectively of regulations of the State Department of Social Welfare constitute an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

New regulations: Chapters 10-000, 10-030, 10-050, 10-070, 10-200, 10-300
Chapters 30-050, 30-100, 30-300, 30-450

Revised regulations: 40-125.6, 44-111.471, 44-323.4

Repealed regulations: Chapters 10-000, 10-100, 10-150, 10-200
Chapters 45-000, 45-003, 45-005, 45-021, 45-075, 45-101
Chapters 56-050, 56-100

The following facts constitute the emergency with respect to the action upon the regulations described above:

1. Public Law 90-248, the Social Security Amendments of 1967, requires the implementation effective July 1, 1968, of certain provisions relating to social services.
2. Current departmental regulations do not conform to all of these federal requirements.
3. A failure to revise these regulations as of July 1, 1968, in such a manner as to make them an acceptable part of the "State Plan" this state has on file with the Department of Health, Education and Welfare of the United States under Title IV of the Social Security Act will jeopardize the eligibility of the State of California for substantial federal contributions.
4. The loss of federal funds will necessarily have an adverse affect on the public health, safety and general welfare of the people of this state.

The new regulations, revisions and ^{repeals} described above must therefore be adopted as an emergency regulation effective immediately upon filing with the Secretary of State and with an operative date of July 1, 1968.

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(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Under Sec. 11422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 11423, 11424 and 11425 of the Government Code were complied with:

Chapter 30-150 Employment, Work Incentive Program, Educational-
Training Program and Services to Improve Social
Adjustment

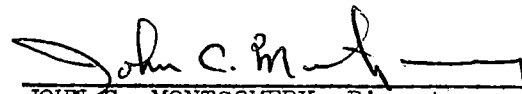
Chapter 31-200 Educational Training Program

Repeal of Department Bulletin 636 (Rev.), Community Work and Training

Repeal of Sections 42-400 through 42-415

Repeal of Releases 5 and 7 of Dept. Bulletin 629 (Rev.)

The above regulations and repeal of regulations were filed with the Secretary of State July 1, 1968.



JOHN C. MONTGOMERY, Director
State Department of Social Welfare

Date: July 16, 1968

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**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
 Under Sec. 11422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 11423, 11424 and 11425 of the Government Code were complied with:

New regulations:

Chapter 30-050 Protective Services for Adults
 Chapter 30-100 Protective Services for Children
 Chapter 30-300 Out-Of-Home Services for Children
 Chapter 30-450 Family Planning Services

Chapter 10-000 Objectives and Definitions
 Chapter 10-030 County Responsibility for Services
 Chapter 10-050 Service Programs - General
 Chapter 10-070 Persons to be Served
 Chapter 10-200 Operational Standards
 Chapter 10-300 Program Standards

Revised regulations:

40-125.6 (to include 45-041.3)
 44-111.471 (to include 45-041.4)
 44-323.4 and .42 (to include 45-157.1 and .2)

Repealed regulations:

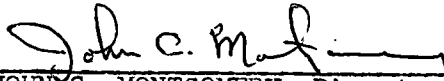
Chapter 10-000 Organization and Management for Social Services
 Chapter 10-100 Staffing for Social Services
 Chapter 10-150 Standards for Optional Services
 Chapter 10-200 Methods and Practices in Social Services

Division 45 - Services and Resources:

Chapter 45-000 Services - Introduction
 Chapter 45-003 County Responsibilities for Social Study and
 Provision of Services
 Chapter 45-005 Eligibility and Rights
 Chapter 45-021 Adults Who Need Protective Social Services
 Chapter 45-075 Family Planning Services
 Chapter 45-101 Families and Children for Whom Protective
 Services Must be Provided

Chapter 56-050 Community Resources and Planning
 Chapter 56-100 Complementary Services

The above regulations and repeal of regulations were filed with the Secretary of State July 18, 1968.


 JOHN C. MONTGOMERY, Director
 State Department of Social Welfare

Date: July 16, 1968

FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

RECEIVED FOR FILING

JUL 19 1968

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11880.8)

JUL 19 1968

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: July 18, 1968

By: *John C. Matigan*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JUL 19 1968

At 1:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *W. J. Hill*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

42-301 BASIS OF DEPRIVATION

42-301

.1 A child is considered deprived of parental support or care if:

- a. The child has been relinquished for adoption (see Section 42-310);
- b. Either parent is deceased (see Section 42-320);
- c. Either parent is physically or mentally incapacitated (see Section 42-330);
- d. Either parent is unemployed (see Section 42-340);
- e. Either parent is continually absent from the home in which the child is living (see Section 42-350).

.2 All bases for deprivation shall be considered at time of application and at time of redetermination of eligibility.

.3 When the child is deprived of parental support or care for more than one reason, eligibility is established on the basis of deprivation that appears first in Section 42-301.1 above.

except that if federal participation is precluded under the first basis, the basis which permits federal participation shall be used.

Interpretation - Since there is no federal participation when deprivation is based on the unemployment of the mother, deprivation should be established on the basis of the father's absence from the home, if applicable.

There are also instances in which the unemployment of the father may not meet qualifications for federal participation and deprivation could be established on the basis of the absence of the mother.

Interpretation - Regardless of the basis of deprivation upon which the child is determined to be eligible for AFDC, the requirements for securing absent parent support remain unmodified.

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42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC .1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

.11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or

.12 Employed only part time.

.121 Part-time employment is that which:

a. Affords less than 173 hours of paid regular work per month; or

b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 173 hours.

.122 Notwithstanding PSS Section 42-340.121 above, employment at farm labor which affords 173 or more hours of work per month is considered part-time employment for a parent who is normally engaged in irregular, temporary or intermittent farm work, until the parent has worked more than 173 hours in each of three consecutive months.

.2 Federal Participation in Unemployed Parent Cases

Federal participation in aid payments made to unemployed parent cases is limited to cases in which all of the following conditions are met:

.21 The father is unemployed as specified in .11 and .12 above

.22 The father was not receiving Unemployment Insurance Benefits during a week for which AFDC was paid.

.23 The father is currently registered with the Department of Employment as available for employment (see Section 42-405.2).

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FINDING OF EMERGENCY

The revisions of the regulations of the State Department of Social Welfare contained in Sections 42-301 and 42-340 of the Public Social Services Manual are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. On or about June 28, 1968, the President of the United States signed into law the Revenue and Expenditure Control Act of 1968.
2. This Act modified certain provisions of the Social Security Act as amended by Public Law 90-248 by postponing for one year certain limitations on federal participation and by changing the eligibility requirements applicable to certain beneficiaries of unemployment insurance.
3. The revisions of the regulations of the Department of Social Welfare are required to insure maximum federal participation in the Aid to Families with Dependent Children Program.
4. Any failure to secure maximum federal participation in this program would increase the State's share of the cost of such programs and would, therefore, necessarily have an adverse effect on the public health, safety and general welfare of the people of this state.

The revisions described above must, therefore, be adopted as an emergency regulation effective immediately upon filing with the Secretary of State and with an operative date of July 1, 1968.

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